

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

\* \* \* \* \*

CLAUDETTE DE LEON, \*

Plaintiff \* Case No.

vs. \* 05-126E

CRAWFORD CENTRAL \*

SCHOOL DISTRICT \*

CRAWFORD CENTRAL \*

SCHOOL BOARD, \*

Defendants, \*

MICHAEL E. DOLECKI, \*

Superintendent, \*

Defendant, \*

CHARLES E. HELLER, \*

III, Assistant \*

Superintendent, \*

Defendant \*

\* \* \* \* \*

DEPOSITION OF

CLAUDETTE DE LEON

April 4, 2006

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<p>1 DEPOSITION 2 OF 3 CLAUDETTE DE LEON, taken on behalf of 4 the Defendants herein, pursuant to the 5 Rules of Civil Procedure, taken before 6 me, the undersigned, Shannon C. 7 Fortsch, a Court Reporter and Notary 8 Public in and for the Commonwealth of 9 Pennsylvania, at Crawford Central 10 School District, 11280 Mercer Pike, 11 Meadville, Pennsylvania, on Tuesday, 12 April 4, 2006, beginning at 10:30 a.m. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 INDEX 2 3 WITNESS: CLAUDETTE DE LEON 4 EXAMINATION 5 By Attorney Heath 8 - 165 6 CERTIFIED SECTION 165 - 181 7 EXAMINATION 8 By Attorney Heath 181 - 213 9 DISCUSSION AMONG PARTIES 213 - 219 10 EXAMINATION 11 By Attorney Nichols 219 - 227 12 EXAMINATION 13 By Attorney Heath 227 - 229 14 CERTIFICATE 230 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 A P P E A R A N C E S 2 3 CALEB L. NICHOLS, ESQUIRE 4 P.O. Box 1585 5 Erie, PA 16507 6 COUNSEL FOR PLAINTIFF 7 8 ROBERTA BINDER HEATH, ESQUIRE 9 Andrews &amp; Wagner 10 3366 Lynnwood Drive 11 P.O. Box 1311 12 Altoona, PA 16603 13 COUNSEL FOR DEFENDANTS 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 EXHIBIT PAGE 2 3 PAGE 4 NUMBER DESCRIPTION IDENTIFIED 5 Three Documents 10 6 Four Letter of 4/2/06 26 7 Five First set of 8 Interrogatories 29 9 Six Response to first set 10 of Interrogatories 29 11 Seven Chronology of events 33 12 Eight Chronology of events 43 13 Nine Job description 117 14 Ten Authorization 120 15 Eleven Notice 120 16 Twelve 2001/2002 School year 121 17 Thirteen Notice of Fact Finding 126 18 Fourteen Department of Human 19 Relations Commission 126 20 Fifteen Code of Professional 21 Practice and Conduct 136 22 Sixteen Crawford School District 23 Regulations 181 24 Seventeen Areas of concern 184 25 Eighteen Action Plan 02/03 191</p>

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## PROCEEDINGS

1  
2  
3 CLAUDETTE DE LEON, HAVING FIRST BEEN  
4 DULY SWORN, TESTIFIED AS FOLLOWS:

## EXAMINATION

## BY ATTORNEY HEATH:

8 QMs. de Leon, we've met before.  
9 My name is Roberta Binder Heath, and I  
10 represent the School District, as well  
11 as Mr. Dolecki and Mr. Heller, in a  
12 lawsuit that you have brought in  
13 Federal Court. As I'm sure you recall,  
14 on March 6th, last month, we started  
15 your deposition and were unable to  
16 finish it, and that's why we're here  
17 today to finish your deposition.  
18 The instructions that I had  
19 given you last time, I'll just go over  
20 them quickly. You have Counsel here,  
21 and certainly, you're free to take a  
22 break at any time to speak to your  
23 Counsel, use the restroom, whatever you  
24 may need. So if you need a break, let  
25 me know and we'll be happy to

## OBJECTION PAGE

## ATTORNEY

## PAGE

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Nichols

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1 accommodate you.

2 It's very important that your

3 responses are verbal so that the court

4 reporter can take them down. She

5 cannot make a clear record or an

6 accurate representation of the

7 testimony with simply a gesture or

8 shrug of the shoulders or nod of the

9 head, or an uh-uh or uh-huh. It has to

10 be yes or no.

11 I would also ask that you answer

12 my question so that we will have a

13 clear record, and that only one person

14 speak at a time. So it's important

15 that you let me finish my question

16 prior to you answering my question.

17 And also, that allows you an

18 opportunity to make sure you understand

19 my question prior to you answering it.

20 If you don't understand my question,

21 please let me know and I'll be happy to

22 repeat or rephrase it for you. Is that

23 clear?

24 Uh-huh (yes).

25 QOkay. And you said uh-huh. You

<p>Page 10</p> <p>1 have to say yes.  2 A I'm sorry. Yes.  3 Q Okay. Thank you. And also,  4 please keep your voice up so that she  5 can hear you, as well. One of the  6 issues that we had discussed last time  7 was what is referred to legally as a  8 mitigation of damages. And  9 essentially, what that means is I was  10 asking you since your termination with  11 the School District, what efforts had  12 you made to obtain other employment?  13 A And you had given me a variety  14 of places where you had applied. And  15 currently, you are working, and I  16 understand that. After your  17 deposition, then you had given me some  18 documents, and I want to mark these  19 collectively, they're 17 pages, as de  20 Leon Exhibit Three.  21 (de Leon Exhibit Number  22 Three marked for  23 identification.)  24 BY ATTORNEY HEATH:  25 Q And I had asked you prior to the</p> <p>Page 11</p> <p>1 deposition to take a look at these  2 documents to make sure that these were  3 the ones that you had given me the last  4 time we met?  5 A Yes.  6 Q And you had indicated, I  7 believe, that you thought that there  8 were more, but you could not locate  9 those documents?  10 A Yes. I'm missing Gannon  11 University and I'm missing the welfare  12 office, also. I applied there, and  13 some newspaper announcements. So I  14 still have those.  15 Q And I would just ask on the  16 record if you could please look through  17 your documents, your records to see if  18 you can produce that information. I  19 notice that the top two documents, one  20 is a letter dated December 12th, 2005,  21 thanking you for your interest in the  22 adult basic education teacher position,  23 then the second letter is dated June  24 1st, 2004, relative to the Luther  25 Memorial Learning Center School Board.</p>	<p>Page 1</p> <p>1 Some of the other information, however,  2 that I have that you provided to me  3 simply looks more like the fact that  4 you filed an application. There's no  5 indication as to whether or not you  6 ever had an interview or any letters  7 from the employer.  8 A I did have an interview. They  9 just never got back to me.  10 Q And you're looking at which  11 document now?  12 A The Hispanic American Council.  13 They have three different positions.  14 Q And you did have an interview?  15 A And I had an interview.  16 Actually, I had two interviews. But  17 they never got back to me.  18 Q And do you have any other  19 documentation that would verify the  20 dates or times when you had those  21 interviews?  22 A The only thing I can get is a  23 letter from them.  24 Q Okay.  25 A Because they might have a record</p> <p>Page 1</p> <p>1 of that. But I never heard from them.  2 Q Because what this indicates, on  3 the second page of this document for  4 the Hispanic American Council of Erie,  5 is that you were to submit a r sum and  6 complete an application, but there's no  7 documentation from you that you  8 actually did submit an application.  9 A Yes, I did. And they have a  10 copy, I'm sure. But I can request a  11 copy on my r sum. I just gave them my  12 r sum and I took my professional  13 portfolio with me. And they had three  14 positions. One was employer officer.  15 One was extracurricular school, after  16 school, only a few hours. And the  17 other one, it was to help people to  18 stop smoking. But I was more  19 interested in the employment job kind  20 of officer.  21 Q Were you offered any job with  22 the Hispanic Council?  23 A None at all.  24 Q Okay. The next piece of  25 information is the Courtoe School</p>
--	--

1 District?

2 A.Yes. I applied on the Internet.

3 Q.And it's the Course Independent

4 School District. And did you ever

5 receive any information from them,

6 giving an interview or any information?

7 A.Yes. Just the information that

8 says, we did receive your application.

9 Q.Right.

10 A.And that's the only thing that I

11 received from them.

12 Q.And you never received any other

13 information?

14 A.Anything else. But I did send

15 --- as you can see, I applied via

16 Internet. And they never got back to

17 me.

18 Q.The next piece of information is

19 with the Department of Public Welfare

20 relative to a job posting?

21 A.Uh-huh (yes).

22 Q.Did you apply for any of the

23 positions here?

24 A.Yes, I did. It was for clerk

25 typist. It was the position that they

1 had available. I wanted to see if

2 maybe by working as a clerk at the

3 welfare office, perhaps they will offer

4 me a job as a social worker working for

5 the welfare. But of course, I took the

6 test and they never got back to me.

7 I'm on the list.

8 Q.You mean you took the civil

9 service exam?

10 A.I took all of them, yes.

11 Q.And do you have your results

12 anywhere?

13 A.Yes. I would imagine they would

14 be there, but if not, I can probably

15 get them through the Internet. There

16 is one here, final earned report. This

17 one is 89. This one I cannot recall,

18 but probably I can download it.

19 Q.Well, I'd appreciate if you'd

20 try to do that.

21 A.This one is 89 for the several

22 positions.

23 Q.And is it your testimony that

24 relative then to these other pieces of

25 paper with regard to the BEOC --- I'm

1 positions, other than what you've given

2 me here, which are these job postings?

3 Do you have any other information ---?

4 A.This is not a job posting. This

5 is the interview, the evidence of the

6 interview.

7 Q.And it says, do not ---.

8 A.And I sent it to them and I went

9 to the interview. But they never got

10 back to me.

11 Q.Do not report for an interview.

12 Okay. Now, with regard to these pieces

13 of paper also, where it says, for

14 example, score, final earned rating,

15 89, was that when you were saying you

16 were taking the test online?

17 A.I actually filled out the form

18 in writing and I sent it to them along

19 with all my communication, my r sum.

20 I answered all the questions. And that

21 was the rating that they gave me, 89.

22 However, when I went to the interview

23 --- actually, I went to two interviews

24 in Albion Prison. They told me that

25 there were veterans that had

Page 18	Page 2
<p>1 preference. Because that's why they  2 couldn't give me ten points. I argued  3 that when my son died, because they  4 said that if I applied for a federal  5 job, they would give me ten points.  6 And I said, but when my son went  7 to fight in Iraq or was in Afghanistan,  8 he didn't fight only for the state, but  9 for the whole entire country of the  10 United States. So they should consider  11 giving me that because I was his  12 mother, to give me those ten points.  13 And although I called them and argued  14 about that, but they didn't want to  15 give me the extra ten points. So I  16 have only 89.  17 Q And you said that you actually  18 had two interviews. And that was for  19 Albion Prison, and what was the other  20 one?  21 A At the same place.  22 Q Oh, the same place?  23 A I went twice.  24 Q Okay.  25 A Yeah. I interviewed with the</p>	<p>1 nothing can get in it. The only way I  2 could retrieve anything is ---  3 actually, I don't think so. I will  4 have to erase everything. I've had  5 everything in a file for job  6 applications, and unfortunately, I  7 couldn't even bring those today. But I  8 can get copies for Albion Prison. I  9 can contact Mr. --- cannot recall his  10 name, and he can testify that I was  11 there for two different interviews.  12 I'm trying to think of his name.  13 Q Did you ever have an interview  14 with the Kiski Area School District?  15 A No. Oh, with the school  16 district, yes. Twice.  17 Q After last summer?  18 A It was last fall, the Erie  19 School District. That's something else  20 I'm missing.  21 Q No, the Kiski Area School  22 District.  23 A Oh, no, no. I'm talking about  24 Erie School District.  25 Q And when did you interview with</p>
Page 19	Page 7
<p>1 principal, as well, and human  2 resources.  3 Q The last two documents you gave  4 me are newspaper clippings. Now, the  5 first page, there does not appear to be  6 a date on this anywhere.  7 A Okay. Very sorry. I will let  8 you know. Which ones are you talking  9 about?  10 Q This page here where it says  11 Spanish teacher, Kiski Area School  12 District, it's circled. And then  13 French and Spanish and ESL substitute.  14 A That was last summer.  15 Q Okay.  16 A It was last summer that I was  17 --- and I'm still looking.  18 Q Did you ever apply to these?  19 A Yes. I sent a letter of  20 inquiry.  21 Q And did you keep a copy of that  22 letter?  23 A Yes. And unfortunately, it's in  24 my computer. And I wish I could fix  25 it, but my computer has a virus and</p>	<p>1 the Erie School District?  2 A In the fall.  3 Q Of 2005?  4 A Of last year, 2005. And they  5 said that they would consider my  6 application. And if they still have  7 the position, they'd call me. And the  8 principal interviewed me, and he told  9 me for kids. And I said, of course.  10 So I went there for one day at the end  11 of the day. He said, I'm sorry, but  12 the teacher is not going to retire yet.  13 She's coming back. If we need you,  14 we'll call you. But they never did.  15 Q Now, back to the Kiski Area  16 School District that you have circled  17 on the second to the last page of  18 Exhibit Three. That's the last page.  19 The one before that. Did you ever  20 interview there?  21 A No, no. I never heard from  22 them. I never did.  23 Q And what about with regard to  24 the substitute positions?  25 A I never heard from them. I just</p>



1 sent a letter of inquiry, a letter of  
2 interest, along with my r sum . They  
3 never even responded.

4 Q And you're saying this is the  
5 summer of 2005?

6 A I think it was summer of last  
7 year . And the summer before, I also  
8 sent a couple, but they never respond.

9 Q And then this is the GECAC ---  
10 the next to the last page of this is

11 dated May 27th, 2005, as the deadline  
12 for applications for the GBCAC

13 Community Charter School?

14 A Uh-huh (yes).

15 Q Did you send an application  
16 there?

17 A Not for GECAC. No, I did not.

18 Not for this one. It was a

19 possibility. And I felt sending an

20 application, or perhaps maybe go out in

21 person, but I was just looking for work

22 to seek work in the Erie School

23 District. So it was just put on

24 resource --- this is my resource page.

25 I did not apply there.

1 Q So in 2004, did you apply

2 anywhere other than the Luther Memorial

3 Learning Center School Board and the

4 Hispanic American Council of Erie?

5 A And I believe I also applied on

6 this. I submitted my application. The

7 first one, it was for education

8 certification evaluator since 2003.

9 And I was waiting for a response from

10 them. And then after that, then there

11 was another one, vocational

12 rehabilitation counselor in November of

13 2003.

14 And in 2004, at the beginning, I

15 was still going to school because I

16 couldn't graduate when my son died. I

17 had to stop school. I couldn't go back

18 to school. So for the first three

19 months, I worked only on my thesis. I

20 couldn't work right away. Then my

21 friend called me and told me that there

22 was an older lady, that she was dying,

23 that she was ill of cancer. She was

24 ready to die. And I went and took care

25 of this lady for about three months.

1 And I was hoping to get pay, and

2 she paid me only \$300. So it was just

3 right before she died. I left because

4 she was not paying me. So that was

5 another job. And then I started

6 working at Latino --- playing the

7 piano, only one day a week, and then

8 teaching also another day a week, on

9 Friday nights. That's it.

10 Q So essentially, is it fair to

11 say that the documents that you've

12 given me would encompass what you

13 applied to do in 2003 and 2004? And

14 then the only thing that's missing

15 would be ---

16 A Gannon University.

17 Q --- Gannon University, and that

18 would have been in 2005?

19 A And Erie School District. That

20 wasn't 2004, Gannon University. There

21 was an ad in the newspaper.

22 Q And Erie was 2005?

23 A And Erie was last fall.

24 Correct.

25 Q So essentially, Gannon

1 University and Erie are what's missing

2 from Exhibit Three?

3 A Right. Only two. Gannon and

4 Erie.

5 Q And then again, it's possible,

6 if you could just take a look for

7 information concerning those two job

8 possibilities and anything you might

9 have to verify that applications were

10 sent to these other employers, I would

11 appreciate that.

12 ATTORNEY HEATH:

13 Mr. Nichols, this is

14 probably the appropriate time on

15 the record for you to --- you

16 had indicated to me prior to the

17 deposition you wanted to address

18 my request for tax returns?

19 ATTORNEY NICHOLS:

20 Yes, Ms. Binder. You had

21 recently written a request for

22 Ms. de Leon's tax return for tax

23 years 2003, 2004, 2005, together

24 with a subpoena. We acknowledge

25 receipt of that. And the



## Multi-Page™

<p>Page 26</p> <p>1 Plaintiff's response to that 2 request is in the form of a 3 written submission, which I now 4 ask be marked Plaintiff's 5 Exhibit One.</p> <p>6 ATTORNEY HEATH: 7 Or do you want to mark it 8 as Exhibit Four?</p> <p>9 ATTORNEY NICHOLS: 10 Exhibit Four. Whichever. 11 (de Leon Exhibit Number 12 Four marked for 13 identification.)</p> <p>14 ATTORNEY HEATH: 15 And are you denying my 16 request for the tax returns?</p> <p>17 ATTORNEY NICHOLS: 18 As of this time.</p> <p>19 ATTORNEY HEATH: 20 Okay. And you understand 21 that I will file a motion with 22 the Court?</p> <p>23 ATTORNEY NICHOLS: 24 Understood. And there is 25 also another matter I would like</p>	<p>Page 2</p> <p>1 ask her questions, then we can 2 attach that ---</p> <p>3 ATTORNEY NICHOLS: 4 All right.</p> <p>5 ATTORNEY HEATH: 6 --- at the end. And I 7 understand what you're saying, 8 but ---</p> <p>9 ATTORNEY NICHOLS: 10 Okay.</p> <p>11 ATTORNEY HEATH: 12 --- just as a matter of 13 procedure, I think it would be 14 clearer this way.</p> <p>15 ATTORNEY NICHOLS: 16 All right.</p> <p>17 ATTORNEY HEATH: 18 That was marked as 19 Exhibit Four, correct?</p> <p>20 COURT REPORTER: 21 Yes.</p> <p>22 ATTORNEY HEATH: 23 I'd like to then mark as 24 Exhibits Five and Six, two 25 documents. One is the first</p>
<p>Page 27</p> <p>1 to bring to the --- reflect on 2 the record. I would ask that 3 this be marked Plaintiff's 4 Exhibit Five, I guess is 5 correct.</p> <p>6 ATTORNEY HEATH: 7 And what is that?</p> <p>8 ATTORNEY NICHOLS: 9 What this is, is Mr. 10 Arnis, Lewis Arnis, the Arbitrator 11 for the arbitration proceeding, 12 made an adjustment in the last 13 --- Ms. de Leon was suspended 14 for five days for ---.</p> <p>15 ATTORNEY HEATH: 16 Okay. May I just stop 17 you for a second?</p> <p>18 ATTORNEY NICHOLS: 19 Sure.</p> <p>20 ATTORNEY HEATH: 21 Just as a matter of 22 procedure, I think the record 23 would be clearer if I just 24 finished my questions, and then 25 when you had your opportunity to</p>	<p>Page :</p> <p>1 response to the Defendant's 2 Interrogatories, and then a 3 supplemental response. And I'm 4 going to ask that the court 5 reporter mark these and then 6 show them to the witness.</p> <p>7 (de Leon Exhibits Five 8 and Six marked for 9 identification.)</p> <p>10 BY ATTORNEY HEATH: 11 Q And looking at the --- I'm 12 getting ahead of myself now. This 13 would be Five and Six. Number Five 14 would be the Plaintiff's response to 15 Defendant's first set of 16 Interrogatories. Have you seen this 17 document before?</p> <p>18 A Uh-huh (yes). Yes.</p> <p>19 Q And in looking through this, and 20 I'll give you a couple minutes to look 21 through this, what I'm going to be 22 asking you is there's certain 23 information in here that's incomplete, 24 or at least from my perspective, it's 25 incomplete. And then I had then sent</p>

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<p>1 the request to your Counsel to have 2 additional answers provided, which then 3 are Exhibit Six. And have you seen 4 Exhibit Six before? And this is the 5 supplemental responses. 6 WITNESS REVIEWS DOCUMENT 7 AUh-huh (yes). Yes. 8 BY ATTORNEY HEATH: 9 QAnd looking to Exhibit Six, the 10 answer that was provided as a 11 supplemental response to number one, I 12 want you to take a look at subparts A 13 through E. And the question had asked, 14 was ---. 15 ATTORNEY NICHOLS: 16 You're talking about 17 Five, Exhibit Five, right? 18 ATTORNEY HEATH: 19 I'm talking about Exhibit 20 Six because that has a 21 supplemental response. 22 ATTORNEY NICHOLS: 23 Which number, Ms. Heath? 24 ATTORNEY HEATH: 25 It would be Exhibit Six,</p>	<p>1 examples of when you believe that you 2 were abused, harassed and discriminated 3 against. 4 AAnd you're asking if I would 5 like to add something to this? 6 QIs there anything else that you 7 would like to add in response to that 8 particular question? 9 A I'm sure that I could add a lot 10 more information, and I can give you a 11 more definite detail. That's why I 12 wrote my chronology of events, in which 13 I cited every little detail of what had 14 took place. But we tried to summarize 15 everything and compound it into what 16 they did generally. 17 But if I was to go step by step 18 of the constant harassment, of the 19 constant abuse, of the constant double 20 standard, the different treatment when 21 other teachers really were totally 22 incompetent, then I would have to add a 23 great deal of information. I could add 24 my chronology of events to this, if 25 that's admissible.</p>
Page 31	Page 33
<p>1 which is supplemental responses, 2 the answer to number one. 3 ATTORNEY NICHOLS: 4 Okay. 5 BY ATTORNEY HEATH: 6 QAnd in both Exhibits Five and 7 Six, obviously, the questions will be 8 the same, but the answers are going to 9 be different in some cases. And 10 essentially, it looks to me as if you 11 were trying to provide more detail to 12 them than was provided in the original 13 answer to question one. 14 And I'm just asking you now, the 15 question was, set forth the bases of 16 your allegation in paragraph 20 of your 17 first amended complaint that you were, 18 quote, unlawfully abused, harassed, 19 suspended, fired and discriminated 20 against, end quote. And then you have 21 subparts A through E. And I'm asking 22 you to review that. And as you sit 23 here today, I'm asking if there's any 24 other information that you would wish 25 to add to that answer that shows</p>	<p>1 QI actually have it as an 2 exhibit. 3 AOkay. 4 QAnd let me just ask you this, 5 then. We're going to mark this as 6 Exhibit Seven. 7 (de Leon Exhibit Number 8 Seven marked for 9 identification.) 10 BY ATTORNEY HEATH: 11 QRelative to Exhibit Seven, you 12 had mentioned to me just now that the 13 chronology of events that you prepared 14 sets forth every detail about which --- 15 or on which you base this complaint, is 16 that correct? 17 ANot every detail. It's kind of 18 general information. But if I'm to 19 include every detail, I have to include 20 every letter, every piece of the 21 communication that I have, including 22 all the things that I have from 23 arbitration one, arbitration two, 24 arbitration three, which it was already 25 settled. And the records speak for</p>

<p>1 themselves, but you're not allowed to  2 use that, but I am. And I'm using some  3 of this information. That can be a lot  4 more detailed. This is just a  5 chronology. It gives detail, but it is  6 not exactly every single detail of what  7 had took place.  8 Q This chronology was prepared for  9 what reason?  10 A To send it to human relations.  11 Q And that was what you based your  12 complaints on; correct?  13 A On everything. I gave the very  14 first complaint, which was on March  15 18th, which I was suspended. But I  16 mentioned to them, in order to  17 understand what is going on, the  18 history of the constant harassment and  19 abuse, I have to go back to the  20 beginning.  21 Q And is that what is contained in  22 this chronology of events?  23 A Part of it, because then I would  24 have to contain the arbitration one,  25 arbitration two, arbitration three, so</p>	<p>Page 34</p>	<p>1 A Okay. Then I would like to  2 rephrase that. A general overview.  3 Q And you say this plus any  4 exhibits from the arbitrations would be  5 the entire record concerning your  6 harassment; is that accurate?  7 A Perhaps.  8 Q Well, it's your case.  9 A Because also, there are all the  10 misconduct slips that they were never  11 supported by the administration, every  12 single pink slip that I submitted. And  13 they did not discipline the students.  14 That's what I was talking about detail.  15 Every memo of reprimand.  16 For example, on arbitration  17 number two, when they accused me of all  18 these things, that they were going in a  19 very old trailer, 30-year-old trailer.  20 There was not even a thermostat, and  21 they were accusing me of tampering with  22 the thermostat. There was not even a  23 thermostat. I had to turn it on by  24 hand. Somehow, the janitor ---  25 Q Turn what on by hand?</p>	<p>Page 36</p>
<p>1 you can see the history of the constant  2 harassment.  3 Q Well, what is the difference?  4 What is missing from this chronology  5 that you believe supports your case?  6 A Maybe my first and second and  7 third grievance, all the documentation.  8 Q And what documentation would  9 that --- what was not reflected in this  10 chronology? This chronology dates  11 back ---  12 A Every single detail, every  13 discipline problem, every time that  14 abuse, consistently harassing me,  15 insulting me, and he was not  16 disciplined. And then the School  17 District, what did they do, they sat on  18 my discipline problem. They were  19 looking ---  20 Q But my question is, in looking  21 at this chronology of events, first,  22 you testified that it essentially puts  23 forth the details of what you base your  24 claim of harassment on, and  25 discrimination.</p>	<p>Page 35</p>	<p>1 A I had to turn on the heat by  2 hand. There was no thermostat until  3 later on, they came and installed one.  4 But then, all these little memos  5 saying, she was tampering with the  6 thermostat. There was no thermostat.  7 Then the temperature was extremely hot.  8 I didn't turn it on. I turned it off  9 when I left. Somebody turned it on.  10 Then nails found on the floor  11 from chairs that you need a special  12 kind of tool, they were not my  13 students. The doors were rotten. They  14 were not my students that were breaking  15 the door. But they accused me of every  16 little detail. I have all this  17 documentation, all these little memos,  18 which even Dr. Berkeley said, if you  19 continue breaking this classroom,  20 you're going to be moved in the  21 schedule again. And I said, Dr.  22 Berkeley, this is a very old trailer.  23 And I mentioned to him all the details.  24 The windows, they couldn't even be  25 opened.</p>	<p>Page 3</p>

<p>Page 38</p> <p>1 Q Let me just stop you there.</p> <p>2 Looking at the chronology of events</p> <p>3 that you have here, it seems to me,</p> <p>4 upon reviewing it, it's pretty</p> <p>5 detailed, and it looks to me as if you</p> <p>6 had kept some sort of supplemental</p> <p>7 notes or log or something, because you</p> <p>8 have specific dates, specific instances</p> <p>9 recalled, quotes in some cases as to</p> <p>10 what the administrators had said to</p> <p>11 you. So is there another logbook that</p> <p>12 was the basis for writing this</p> <p>13 chronology?</p> <p>14 A The documentation.</p> <p>15 Q Or ---</p> <p>16 A The reprimands.</p> <p>17 Q Are you referring, in this</p> <p>18 chronology, to the reprimands and the</p> <p>19 other memos and other information that</p> <p>20 you have?</p> <p>21 A In general, everything.</p> <p>22 Q Do you understand that when you</p> <p>23 have a case like this, in order to</p> <p>24 prove your case, if you're going to</p> <p>25 rely on documentation, you have to</p>	<p>Page 40</p> <p>1 A Of course. I wrote it. And I</p> <p>2 was just reviewing this with Cal. And</p> <p>3 also ---</p> <p>4 Q I just want to know if you've</p> <p>5 looked at it recently.</p> <p>6 A Yes.</p> <p>7 Q In your review of this</p> <p>8 particular document, was there anything</p> <p>9 that struck you as being a gap in</p> <p>10 information or some glaring omission</p> <p>11 that you wish to tell me today under</p> <p>12 oath that you want to add to this</p> <p>13 chronology of events?</p> <p>14 ATTORNEY NICHOLS:</p> <p>15 Let us have a moment to</p> <p>16 review and see ---</p> <p>17 ATTORNEY HEATH:</p> <p>18 Okay.</p> <p>19 A Let me review these, because</p> <p>20 maybe they are missing some copies.</p> <p>21 And I realized that when I was</p> <p>22 reviewing. But I went over it and I</p> <p>23 thought, they are missing some copies</p> <p>24 of this one.</p> <p>25 BY ATTORNEY HEATH:</p>
<p>Page 39</p> <p>1 provide that to the other side?</p> <p>2 A Correct.</p> <p>3 Q Have you provided me with all of</p> <p>4 the documentation in your possession</p> <p>5 that proves your case?</p> <p>6 A I have provided to my attorney,</p> <p>7 and it's up to him whatever he's going</p> <p>8 to provide to you.</p> <p>9 Q But do you understand what I'm</p> <p>10 saying?</p> <p>11 A Correct.</p> <p>12 Q If it's not provided to me, you</p> <p>13 cannot rely on it.</p> <p>14 A And also, let me tell you</p> <p>15 something. The School District has all</p> <p>16 these reprimands with my incompetency.</p> <p>17 They can provide you with all this</p> <p>18 documentation, as well. I will provide</p> <p>19 you what I have to by law, whatever the</p> <p>20 Judge says, to prove my case. That's</p> <p>21 why it's written down, because I have</p> <p>22 proof.</p> <p>23 Q Let me ask you this. In looking</p> <p>24 at this chronology of events, have you</p> <p>25 looked at this recently?</p>	<p>Page 41</p> <p>1 Q Take your time and review it</p> <p>2 because I don't really want you to</p> <p>3 speak off the top of your head. I want</p> <p>4 you to take the time so that I'm clear</p> <p>5 what your allegations are.</p> <p>6 OFF RECORD DISCUSSION</p> <p>7 BY ATTORNEY HEATH:</p> <p>8 Q Just in order to save time and</p> <p>9 move on, you've indicated when we were</p> <p>10 off the record that you believe that</p> <p>11 this may not be a complete document?</p> <p>12 A I knew that it was missing some</p> <p>13 pages. I would like you, before you</p> <p>14 submit this as evidence, to go back and</p> <p>15 review in more detail because I realize</p> <p>16 that they were missing some pages. I</p> <p>17 wanted to include all my grievances.</p> <p>18 There are three given.</p> <p>19 Q And may I just stop you there?</p> <p>20 A Go ahead.</p> <p>21 Q I received this from your</p> <p>22 Counsel, this document. Certainly, I</p> <p>23 want it to be complete. So I would</p> <p>24 request on the record, and we are</p> <p>25 running short of time here to complete</p>

<p>Page 42</p> <p>1 the discovery process, that you review 2 this, and if there gaps in information, 3 kindly provide that to your Counsel so 4 that he can provide it to me as soon as 5 possible. 6 A Correct. I will. 7 Q Because also, I will tell you 8 this. This chronology of events, you 9 gave me a folder of what you had given 10 to Mr. Flipping at the PHRC, this 11 chronology of events was included. And 12 from my review of this document that 13 was presented by your Counsel, and also 14 the document that was in the PHRC 15 folder, they looked to be the same to 16 me. Now, I'm saying that, but again, 17 the pages aren't numbered. So if you 18 are aware of any gaps, I would request 19 that you provide that to me as soon as 20 possible. 21 A Yeah. I will go ahead in more 22 detail. I will review that to make 23 sure I have everything. You have to 24 understand, every time I read that 25 chronology of events, I get a</p>	<p>Page 44</p> <p>1 BY ATTORNEY HEATH: 2 Q But this is dated 12/20 of '02. 3 But then there's a notary statement 4 here that's December 20th of '05. I 5 don't understand why there is this 6 disparity of dates on the last page. 7 A Oh, it should say '05. That was 8 a mistake. My mistake. 9 Q So that is your handwriting that 10 you did give testimony, --- 11 A Yes. 12 Q --- and your signature there? 13 A And the date is wrong. It 14 should say '05. 15 Q So that should say 12/20/05, as 16 well? 17 A Correct. 18 Q And when did you prepare this 19 document? 20 A When Mr. Nichols asked me to do 21 it, I went ahead and did like a quick 22 review. It's not as detailed --- I 23 wish I could have submitted this 24 chronology of events to the Judge. 25 Q If you look to the first page of</p>
<p>Page 43</p> <p>1 stomachache because this is like going 2 back to the same, over and over. But I 3 will do it again and rewrite it. Well, 4 not rewrite it, but review. 5 Q Please review it. This we'll 6 mark as Exhibit Eight. 7 (de Leon Exhibit Eight 8 marked for 9 identification.) 10 BY ATTORNEY HEATH: 11 Q And I'm going to ask you to take 12 a look at this. If you look at the 13 last page, this appears to be a sworn 14 statement and was notarized? 15 A Uh-huh (yes). Correct. 16 Q Dated 12/20 of '02? 17 A Correct. 18 Q Do you recall why this was 19 prepared? 20 A Yes. My Counsel asked me to 21 prepare these so I could give kind of 22 an idea to Mr. McLaughlin, the Judge. 23 ATTORNEY NICHOLS: 24 Judge McLaughlin. 25 A Judge McLaughlin.</p>	<p>Page 4:</p> <p>1 Exhibit Eight, it says, chronology of 2 events as soon as the second 3 arbitration was awarded on my behalf. 4 But you're saying you didn't prepare 5 this until 2005? 6 A Right. 7 Q And that you were just trying to 8 recount what happened from --- 9 A Correct. 10 Q --- 1997 forward? 11 A And I'm missing my first 12 arbitration, as well. 13 Q But I'm saying, this is just 14 representative of something that you 15 prepared in anticipation of this 16 litigation? 17 A Right. 18 Q Or in the course of this 19 litigation, I should say. 20 A In the course of this 21 litigation. 22 Q And it goes from the date of the 23 second arbitration award forward, is 24 that correct? 25 A It should be from the first one.</p>



1 Q But I'm asking what this is. It  
2 goes from the second arbitration award  
3 forward; ---

4 A Correct.

5 Q --- correct? And this

6 information, is this the same  
7 information --- or some of the same  
8 information that was contained in the  
9 prior exhibit I showed you?

10 A Correct.

11 Q The larger chronology of events?

12 A Some of it.

13 Q And can you tell me as you sit  
14 here today what's different?

15 A The difference ---

16 Q Other than --- I'm not talking

17 about the time frame from before August  
18 of 1987. I understand in Exhibit

19 Seven, there's prior information

20 included.

21 A Right.

22 Q But in this particular document,

23 Exhibit Eight, is there anything

24 different that's included in this

25 particular chronology that you prepared

1 in 2005 as opposed to the other  
2 chronology that you submitted to the

3 PHRC?

4 A Right. This is supposed to be  
5 more in detail.

6 Q Exhibit Seven?

7 A Exhibit Seven. And this one, it

8 was just like a general view of what

9 had took place. But it's not as

10 detailed as the other one. However,

11 that's why I am not sure if I'm

12 answering the question when I keep

13 going back to this. The grievances

14 already dealt with all these issues in

15 more detail to find out exactly what

16 had took place. I'm sure that you

17 already read them. That was already

18 dealt with. And all the information is

19 just right there. This is just a

20 chronology.

21 Q This is your basic overview?

22 A Right.

23 Q Okay. And I apologize for

24 jumping around, but I'm trying to at

25 least keep the same issues together.

1 Going back to the Interrogatories and  
2 the supplemental responses to the  
3 Interrogatories, which were Exhibits  
4 Five and Six, if you look to Exhibit  
5 Six, number four, question number four,  
6 it says, set forth the bases of your  
7 allegations in paragraph 21(c) of your  
8 first amended complaint. The  
9 administration of Crawford Central  
10 School District sought to, quote,  
11 muzzle or forbade, end quote, you from  
12 conversing with colleagues in the  
13 workplace.  
14 And I said, please provide  
15 specific examples, incorporated by  
16 reference, all supporting data and  
17 documentation. And your answer was,  
18 Plaintiff will be available to address  
19 query when she is deposed. So I'm  
20 asking you now to answer that question.  
21 A That time when he was screaming  
22 and yelling to me, that's when he  
23 forbade me. And also, we dealt ---  
24 Q He being Mr. Desher?  
25 A Mr. Desher. And we dealt with

1 this in our second arbitration.  
2 Q And was this anything to do with  
3 the testimony of Mr. Stanford?  
4 A Well, he already mentioned that  
5 he'd walk away and he couldn't hear  
6 everything. He couldn't hear  
7 everything. But it's already dealt  
8 with on the second arbitration.  
9 Q Well, let me put it to you this  
10 way. And I don't want to get into a  
11 legal argument with you on the record.  
12 But from my perspective, there is an  
13 issue as to whether or not any of the  
14 arbitration Decisions are going to come  
15 before the Judge. Even if Judge  
16 McLaughlin allows them into evidence,  
17 they are merely going to be persuasive  
18 and they are not determinative of any  
19 facts in this federal case.  
20 So the problem that I continue  
21 to face is, many of the times, your  
22 answers are, look at the arbitration or  
23 look at the grievance. One of the  
24 problems I have with that, too, is I  
25 don't have any of the transcripts. And

<p>Page 50</p> <p>1 your Counsel doesn't have the 2 transcripts. So I can't even look at 3 the testimony specifically to see --- 4 A Just go --- 5 Q--- what you're relying on. All 6 I have are all the Decisions. And we 7 don't know whether or not the Court is 8 going to even entertain those Decisions 9 and allow them into evidence. But it's 10 not good enough for you to tell me in 11 this lawsuit, look at the arbitration 12 Decision. So you have to give me more 13 than that. 14 And I'm trying to give you some 15 leeway because I don't want to depose 16 you for five days when you say in the 17 previous answers, look to the 18 arbitration or look to what the 19 arbitration award says. I understand 20 what you're saying, but I'm asking you, 21 what do you recall --- as you sit here 22 today, what is your independent 23 recollection of specific issues or 24 examples where the Crawford Central 25 School District sought to, quote,</p>	<p>Page 52</p> <p>1 abused me and harassed me ---. 2 Q I'm trying to get a time frame 3 from you. I want to know what 4 happened. And you're telling what 5 happened now. I want to know where it 6 happened, I want to know when it 7 happened, and I want to know who saw it 8 happen. 9 A Mr. John Stanford was there. He 10 saw it happen, but he couldn't hear it 11 at all. But he said he walked away. 12 And we were talking exactly outside the 13 office. And I was talking to John, but 14 he said I was crying because I was 15 constantly being reprimanded for 16 anything. 17 Q Okay. That's my question. 18 A Okay. 19 Q That's one instance. And I 20 understand what you're saying happened. 21 I understand that is your position. 22 Are there any other instances that 23 you're referring to when you say in 24 your complaint that the District sought 25 to muzzle or forbade you from</p>
<p>Page 51</p> <p>1 muzzle or forbade you from conversing 2 with colleagues in the workplace? 3 A And I'm very sorry. I don't 4 want to be rude to you because I know 5 it's your job. I know it's your job. 6 I already dealt with this. 7 Q But then you understand this is 8 a separate lawsuit in a separate forum? 9 A And I do understand. I do 10 understand. I do understand. And it's 11 my word --- Mr. John Stanford said he 12 talked to her stern in a loud voice, 13 and he'd walk away. Now, it's my word 14 against Deshner, which I don't have to, 15 I don't want to say this word, lie. 16 I'm telling you what he told me. He 17 forbade me to talk to any of my 18 colleagues about anything, yelling and 19 spitting on my face, just when I was 20 telling him that they did fire me. 21 Q What I'm trying --- 22 A All the abuse, it was enough. 23 All this abuse, it was enough. And I 24 said, whatever you have done --- they 25 have no conscience. The way they have</p>	<p>Page 5</p> <p>1 conversing with colleagues? Is there 2 anything else, other than that other 3 issue we talked about? Is there any 4 other instance you can tell me, any 5 other example you can think of? 6 A I can think of that one, and I 7 will have to go ahead and if I can find 8 a memo, perhaps --- I'm just going to 9 stay with that instance. But that 10 doesn't mean I'm not going to look for 11 maybe perhaps something that he says 12 about confidentiality. When the whole 13 entire school knew I was getting fired, 14 talking about confidentiality. That's 15 exactly what he did, told the whole 16 entire parents, told the whole entire 17 students, she's getting fired. 18 Q But what you say here, you're 19 specifically talking about 21(c) of 20 your first amended complaint, instances 21 where they sought to muzzle or forbade 22 you from conversing. 23 A He did. He forbade me from 24 talking to my colleagues. 25 Q And that's what I'm asking you.</p>



<p>Page 54</p> <p>1 Is that the example you're using?  2 A I'm using that, exactly, that  3 day. We dealt with it in my third  4 arbitration.  5 Q And you say here, number five,  6 I'm asking you again about paragraph 21  7 of your amended complaint, but this  8 time it's 21(c). And you say that  9 you're more stringently micromanaged,  10 scrutinized and subjected to a  11 professional improvement action plan.  12 And what I was asking you is to set  13 forth the bases of that allegation.  14 And what you said here is, in addition  15 to the allegations set forth in answer  16 one, which we've already talked about,  17 and that would be in Exhibit Six, a  18 more complete statement is stated in  19 the amended complaint which was filed  20 with the PHRC. Are you satisfied with  21 that response?  22 A I'm very, very sorry, but I ---  23 on this one about the action plan,  24 where is it where you read the rest?  25 ATTORNEY NICHOLS:</p>	<p>Page 56</p> <p>1 Do you have a copy of  2 that?  3 ATTORNEY HEATH:  4 I don't know where it is  5 right now, but I did.  6 BY ATTORNEY HEATH:  7 Q But this is what you're  8 referring to?  9 A Uh-huh (yes).  10 Q And this is what you answered  11 when I asked the question in the  12 Interrogatories.  13 A Yes.  14 Q Did you review that statement  15 before you answered this question?  16 A This statement?  17 Q The statement that you sent to  18 the PHRC.  19 A I did review this.  20 Q And when you responded to number  21 five in your supplemental responses,  22 and I'm looking at that in conjunction  23 with your initial responses, ---  24 A Yes.  25 Q --- are you satisfied with that</p>
<p>Page 55</p> <p>1 The supplement she is  2 reading.  3 A Oh, this supplement. I see. I  4 did not read that. Okay.  5 BY ATTORNEY HEATH:  6 Q And you're referring to a  7 statement that was filed with your  8 amended complaint to the PHRC on  9 February 18th, 2003. And I'm asking if  10 you're satisfied with your response  11 that you provided to the PHRC. Is that  12 an adequate response to my question?  13 Because if not, this is your  14 opportunity to supplement that  15 response.  16 A In addition to what I wrote here  17 on number five, you're talking about if  18 I can also ---?  19 ATTORNEY NICHOLS:  20 Counsel, did you receive  21 a copy of Ms. de Leon's  22 submission to the PHRC?  23 ATTORNEY HEATH:  24 I did.  25 ATTORNEY NICHOLS:</p>	<p>Page 57</p> <p>1 response?  2 A I'm not sure that I'm satisfied.  3 I hope I do --- when I submitted most  4 of the documentation, I just want to  5 make sure that you understand that I  6 was under a great deal of anxiety,  7 depression. It was extremely difficult  8 for me to concentrate on all this. I  9 did my best trying to submit the best  10 information.  11 Q But I want to stress to you that  12 under the law, you have a continuing  13 obligation to supplement your  14 responses. If you don't, then this  15 will be the response that's adequate.  16 You can either do it with your  17 testimony, such as today, or other  18 documentation. So what I'm allowing  19 you to do, in looking at these  20 Interrogatory answers, because in many  21 instances, you and/or your Counsel have  22 stated that I can ask you in your  23 deposition. That's what I'm doing.  24 But this is your opportunity to  25 give me your side of the story, to give</p>

1 me your case. And if you don't  
2 supplement your responses, then what  
3 you have before you is what's going to  
4 be admissible. So I just want you to  
5 be clear on that. So if you continue  
6 to tell me, I'm not sure, there might  
7 be something else, if, in fact, there  
8 is something else, at some point, you  
9 have to give that to me.

10 A Okay.

11 Q Okay?

12 A I will go ahead and review them.

13 Because I did submit as much --- I

14 prepared a whole entire portfolio and I

15 gave it to my lawyer. And that doesn't

16 mean that includes everything. I'm

17 consistently giving more documentation

18 in order for me to be able to submit

19 more information that can back up all

20 my claims. But I ---

21 Q I just want to make sure that

22 you're comfortable with what you've

23 given me and that I have everything

24 that you believe supports your claim.

25 A Correct. And also, I would like

1 ATTORNEY NICHOLS:

2 ... of disclosure.

3 That's what I want the record to  
4 reflect.

5 ATTORNEY HEATH:

6 That is fine.

7 ATTORNEY NICHOLS:

8 All right.

9 BY ATTORNEY HEATH:

10 Q If you look to Exhibit Six ---

11 or, number six, actually, question six,

12 I asked for the bases of your

13 allegations in paragraph 21(e) that you

14 were sanctioned for tardiness more

15 frequently than co-workers. And you

16 said that you would be available to

17 address the query when deposed. So do

18 you have any specific instances about

19 which you are aware where other

20 teachers were not treated the same way

21 that you were?

22 A Correct.

23 Q And I ---

24 A I was placed on hall duty for a

25 whole entire year, on hall duty, just

1 to add that if you need, I will submit

2 more documentation that I can --- I

3 hope I can. I don't know when is the

4 due date that I cannot submit any more

5 documentation that is applicable.

6 ATTORNEY NICHOLS:

7 And also, let me just

8 state for the record, in respect

9 to the documentation that has

10 been submitted, you know, that

11 speaks for itself, one. We

12 covered it. Two, as to whether

13 or not at this junction, whether

14 what we have put in the file is

15 complete, we can't make that

16 representation because the

17 discovery's not complete. We

18 will depose more witnesses, to

19 do more discovery, it may well

20 be that we have more

21 documentation to divulge to you.

22 We do recognize our continuing

23 obligation ---

24 ATTORNEY HEATH:

25 That's fine.

1 right at the door. And I documented

2 many of the teachers' arrivals, and I

3 have the communication. I have it on a

4 memo with every single teacher that

5 came consistently late. However, when

6 I was being harassed because they

7 refused me union representation, next

8 thing, they started bringing that up,

9 when Mr. Destler called me to his

10 office, he showed me all these tardies.

11 And I proved to him that they

12 were wrong because I was sitting in

13 study hall and I was even talking to

14 the counselor. I was able to prove

15 that they were totally wrong, but he

16 did not address the fact that he denied

17 me union representation. He showed me

18 all these tardies. Even by Mr. Higgins

19 recently, this teacher stops me to ask

20 me for a special ed student.

21 Q Okay. I understand what you're

22 saying, but let me just stop you there.

23 With regard to the tardy issues, these

24 were addressed in your chronology;

25 correct?

1 A Correct.  
 2 Q And there were certain teachers  
 3 that were mentioned in your  
 4 chronology ---  
 5 A Yes.  
 6 Q --- that you believe were  
 7 treated more favorably than you were?  
 8 A They were never reprimanded.  
 9 Q And how do you know that?  
 10 A Because I asked them.  
 11 Q But you don't have any  
 12 independent knowledge other than asking  
 13 them whether or not they were ever  
 14 reprimanded?  
 15 A Well, for example, I asked Mrs.  
 16 Rappa when they sent me a memo, because  
 17 I allow my students to leave early, I  
 18 told Dr. Berkeley, I'm not even  
 19 teaching during the eighth period. I'm  
 20 assigned at the cafeteria. And Mrs.  
 21 Rappa did because I asked her, are you  
 22 teaching in my classroom? And she said  
 23 yes. Did you allow your students to  
 24 leave early? She said yes. And I  
 25 would like to subpoena her. Did they

1 soon as I said, I'm going to court, I'm  
 2 going to fight you, oh, you're very  
 3 physically aggressive. How can I? I'm  
 4 a Christian person. I'm a student of  
 5 the Bible. How could I be physically  
 6 aggressive?  
 7 Q You're getting off on a tangent.  
 8 A I know. I'm going to try ---  
 9 Q And I'm trying to ask you some  
 10 specific questions concerning other  
 11 teachers and tardiness, okay? One of  
 12 the people that you mentioned in your  
 13 chronology was a Mrs. Sylka, S-Y-L-K-A.  
 14 Isn't her name Mrs. Raman?  
 15 A Yes.  
 16 Q And her first name is Sylka?  
 17 A Correct.  
 18 Q So it's Mrs. Raman? That's not  
 19 Mrs. Rappa or somebody else?  
 20 A It's Sylka Raman. I didn't make  
 21 a mistake.  
 22 Q When you're saying about Mrs.  
 23 Rabba, is that the same person?  
 24 A Rappa (corrects pronunciation).  
 25 No. Rappa. That's the physical ed

1 reprimand you? She said no.  
 2 Q You're saying Mrs. ---?  
 3 A Mrs. Rappa.  
 4 Q Rabba?  
 5 A Rappa.  
 6 Q Rappa.  
 7 A Which I don't know if she's on  
 8 my witness list. And she was not  
 9 reprimanded. And many other teachers,  
 10 I asked them, were you reprimanded?  
 11 No. Were you reprimanded for taking  
 12 your students out of your classroom?  
 13 No. Were you reprimanded for taking  
 14 them out of your classroom and walking  
 15 around? No. If they were standing  
 16 outside? No.  
 17 I was reprimanded when I even  
 18 didn't do it. But Mr. Higgins says,  
 19 oh, yeah, she took them out. No, I did  
 20 not. I sent them to the office. I  
 21 followed directives every inch of the  
 22 way. I could've kissed their feet, and  
 23 you know what they would have said?  
 24 She was trying to buy us. Although I  
 25 complied with every directive. But as

1 teacher.  
 2 Q Okay. But Sylka Raman, it isn't  
 3 Mrs. Sylka. It's Mrs. Raman?  
 4 A Mrs. Raman. Correct.  
 5 Q Okay. And she's German;  
 6 correct?  
 7 A Yes, she is.  
 8 Q And you had also mentioned in  
 9 your chronology that you think Doug  
 10 Mehok was not reprimanded for being  
 11 tardy; is that correct?  
 12 A Never.  
 13 Q How do you know that?  
 14 A When I was there, Mr. Berkeley  
 15 and Mr. Desimer looked at him and  
 16 greeted him and continued walking like  
 17 nothing.  
 18 Q But you don't know for a fact  
 19 that he was or wasn't reprimanded?  
 20 A I'm sure that if they subpoena  
 21 him, I'm sure that he's going to say  
 22 that he did. But I would like to see  
 23 the documentation on any of these  
 24 teachers.  
 25 Q But you don't have anything to

<p>Page 66</p> <p>1 I prove that they weren't reprimanded?  2 A I saw them. I saw them that  3 they weren't.  4 Q And essentially, it would be  5 something that you would not be privy  6 to because it would be a personnel  7 matter?  8 A That's right. But they were  9 able to know about mine.  10 Q You also discuss a Debbie  11 Lemansky.  12 A She walked with me the day I was  13 given a tardy.  14 Q Wasn't it true that she had a  15 different schedule, she was permitted a  16 different, flexible schedule?  17 A Why?  18 Q Well, were you aware that she  19 was?  20 A But why?  21 Q Well, there's issues of  22 confidentiality here.  23 A Oh, I see.  24 Q But were you aware that she was  25 on a different schedule?</p>	<p>Page 66</p> <p>1 vulnerable person that they can walk  2 all over. And they don't care. They  3 have their job. Why should they care?  4 They're going to come and say, oh,  5 yeah, yeah, she even tried to hit  6 Desner, like Mr. Roznowski said.  7 Q What about Meg Daniels? You  8 indicated you believe she was tardy,  9 also.  10 A She's the one who stopped me to  11 ask me about the special ed kids ---.  12 Q Was this when Mr. Higgins spoke  13 to you?  14 A Mr. Higgins gave me a tardy but  15 never went to investigate her. And she  16 had class, as well, as you can see on  17 her schedule. And I asked her.  18 Q I'm just trying to ask you about  19 the time frame you're talking about  20 with Meg Daniels.  21 A And I asked her, I said, did  22 they give you a tardy like they did to  23 me? She said no. And I said, well,  24 the day that you talked to me, they  25 gave me a tardy.</p>
<p>Page 67</p> <p>1 A And there's another teacher that  2 walked with me late as well.  3 Q And also, isn't Debbie Lemansky  4 a secretary, not a teacher?  5 A And also there was another  6 teacher that walked with me.  7 Q I'm asking about Debbie  8 Lemansky.  9 A Yes, she's the secretary.  10 Q And so she would be on a  11 different schedule?  12 A I'm not sure. I don't know.  13 Q Okay. You wrote these people's  14 names down?  15 A Right. I wrote the time of  16 these teachers. I did. And I kept  17 them on a daily basis, how late they  18 are each day, did they get a memo each  19 day. I would like to see the  20 documentation of each day. I know  21 they're going to come and say yes  22 because they're afraid for their job,  23 of being harassed like I did. They  24 don't have any backbone to stand for  25 their rights. As long as --- I'm the</p>	<p>Page 6</p> <p>1 Q Wasn't it that you were just  2 reminded that you were supposed to be  3 on time? You weren't actually given  4 anything in writing?  5 A He gave me in writing --- it is  6 in writing. I have it in writing.  7 Q You weren't reprimanded or  8 disciplined in any other way?  9 A No, no. I wasn't.  10 Q Wasn't it just a reminder that  11 as part of your corrective action plan,  12 you were to be on time?  13 A It's not a reminder. It's a  14 tardy. Do you have a copy of that?  15 Q But as your corrective action  16 plan, you were to be on time, correct?  17 A I was always on time.  18 Q But wasn't that part of your  19 plan?  20 A I was always on time.  21 Q So when Mr. Desner recalled  22 that there were students standing out  23 when you were at the trailer in the  24 snow because you were late, that was  25 not correct?</p>

1 A I wasn't late. And we already  
2 dealt with those issues. The records  
3 speak for themselves on my first,  
4 second and third arbitration.

5 Q And again, I disagree. This is  
6 a different case.

7 A Correct.

8 Q And I disagree that the merits

9 on those two arbitrations were decided.

10 So you disagree ---?

11 A But we already dealt with those

12 issues and those tardies.

13 Q And that is not sufficient

14 evidence to say that in a federal

15 action.

16 A Did you read the letter? I have

17 the letters that my students said that

18 they were never out there.

19 Q You have to answer my question.

20 ATTORNEY NICHOLS:

21 Don't yell at her.

22 A I'm sorry, I'm sorry. I don't

23 want to be --- let me tell you

24 something.

25 BY ATTORNEY HEATH:

1 Q Hold on one minute.

2 A I'll be just like ---

3 Q Hold on a minute.

4 BRIEF INTERRUPTION

5 BY ATTORNEY HEATH:

6 Q Now you can finish.

7 A There is a letter that my

8 students wrote that says they were not

9 stupid to be standing out there in the

10 snow. They wrote it themselves. They

11 sent it to Mr. Deshner. They would

12 never wait outside in the snow. That

13 was my Spanish 5 class. And I don't

14 know if he --- I have the letter. Did

15 you provide that letter from my Spanish

16 5 class?

17 Q So is it your testimony that you

18 were never tardy throughout the whole

19 time you taught here?

20 A I'm going to tell you that since

21 I was a traveling teacher and I had to

22 walk to the students, trying to steer

23 my portable cart, which now I have a

24 mark on my chest from pushing and

25 pulling that cart that was so heavy.

1 saying, the aide is not picking up this

2 kid. And they would give me tardies

3 for coming to study hall. I told him,

4 this student suffered convulsions. The

5 mother told me. I cannot leave him

6 alone.

7 And then when he brought this to

8 this lady, the teacher, and she said

9 that she was never tardy. And the

10 student said himself, she was always

11 late, which would make me late. So

12 when I was late, it was not because I

13 was being unprofessional and I wanted

14 to be late. I was late, yes, because

15 of the circumstances.

16 Q So your testimony is that you

17 may have been tardy, but either it was

18 because you were a traveling teacher or

19 there were other reasons, such as

20 staying with a student waiting for an

21 aide?

22 A Very extenuating circumstances.

23 Q Were there any times that you

24 were tardy just because you were tardy?

25 A On one occasion when the weather



1 I was extremely bad, I arrived with Mrs.  
2 Maruzka, and we were walking, the two  
3 of us. I received a tardy. She  
4 didn't. And Mr. Deshner referred to  
5 her when she is delayed. However, I  
6 was tardy. If she was delayed, she  
7 always called. There were no cellu-lars  
8 at that time, but I was always tardy.  
9 So I don't know when she called. There  
10 were no cellu-lars, but she called. I  
11 didn't. So yes, I remember that time  
12 in which I wrote him a memo about it.  
13 Q Any other time that you were  
14 tardy that you can recall that didn't  
15 involve extenuating circumstances?  
16 A Most of the time, I was there  
17 way before. I usually tried to be  
18 there on time and I tried to be there  
19 earlier than my usual period scheduled,  
20 because since I was a traveling  
21 teacher, I had to go and pick up my  
22 car, I had to get my things from my  
23 office and then move from classroom to  
24 classroom to classroom. Then when  
25 finally they gave me a classroom, it

1 prior to taking your medical sabbatical  
2 leave. And then you said --- I don't  
3 know what you were saying about when  
4 you became a traveling teacher, but  
5 then it seemed to me you were saying  
6 that basically, you were a traveling  
7 teacher for most of the time that you  
8 were there. But from this response, it  
9 doesn't seem to have happened until  
10 1999. But you were in the trailer  
11 prior to 1999, correct?  
12 A That was my classroom when he  
13 gave me a classroom.  
14 Q And prior to that, you were  
15 traveling or ---?  
16 A Prior to that, yeah. The first  
17 time they gave me a classroom, that DD,  
18 the trailer, and then when they  
19 finished building the school I came  
20 back --- no, no, not came back. Way  
21 before that, I was an aide. Actually,  
22 before I moved into the trailer, they  
23 had given me one classroom. It was  
24 A-1. Then since they were remodeling  
25 the school, then they moved all the

1 I was in the trailers. And when I had to  
2 go to the office and I went into the  
3 trailers, I'd have so much trouble  
4 because the trailer was breaking apart.  
5 They told me, you have to close the  
6 trailer. Make sure that it's not ---  
7 there was the other door open all the  
8 time because there was another teacher.  
9 So my students, there is no way that  
10 they could just be there and be reading  
11 because there was another classroom.  
12 Q Okay. Let's move on from the  
13 tardies. Looking at Exhibit Six ---  
14 A Six or Seven?  
15 Q And when I say Exhibit Six, I'm  
16 also looking at it in conjunction with  
17 Five because you responded once and  
18 then you responded again. So I'm  
19 looking at Five and Six together,  
20 question eight. And I asked you to set  
21 forth the bases of your allegation in  
22 paragraph 22(b) in your first amended  
23 complaint, that you were reduced to a  
24 position, quote, inferior, end quote,  
25 to the one you allegedly possessed

1 foreign language teachers to the  
2 outside. And they changed ---  
3 Q So it wasn't just you that moved  
4 to the outside? There were other  
5 teachers?  
6 A There were several. All the  
7 foreign language. All the foreign  
8 language. Janine, Mr. Elmers  
9 (phonetic), myself, and there was a  
10 special ed teacher beside me, because  
11 you went through that door and then you  
12 could go into my classroom. And that  
13 door was not locked. Then what  
14 happened is that they gave me that  
15 classroom. I had A-1. They gave me  
16 DD.  
17 And then I was suspended by Mr.  
18 Dolecki, and I never went back. I went  
19 into all these medical leaves. A year  
20 later, when I came back, they had  
21 already hired Mrs. Barbara Kurtz, and  
22 they gave her a classroom. Mr. Deshner  
23 said they gave her a classroom because  
24 I left. And I said, but Mr. Deshner,  
25 she doesn't have seniority. I do. And

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<p>Page 82</p> <p>1 I became a classroom available and I  2 thought I was going to get it, and they  3 gave it to Mrs. Kurtz.  4 Q And did she have seniority over  5 you?  6 A That's what Mr. Deshner said,  7 because she had been there longer than  8 I had been. And they'd give her a  9 classroom when I thought I was going to  10 get it.  11 Q So when you're talking about, in  12 response to number eight, an inferior  13 position, you're saying because you had  14 to travel and because you were not  15 teaching upper level Spanish? That's  16 what you mean?  17 A When I came back from my  18 sabbatical.  19 Q That's what you mean, then;  20 correct? Yes?  21 A Yes.  22 Q Did anyone ever specifically say  23 anything derogatory to you about being  24 Hispanic?  25 A Many times, many students.</p>	<p>Page 84</p> <p>1 that I can ask you additional questions  2 during your deposition. And it says  3 here, Plaintiff can elaborate on her  4 medical condition and how the stress  5 and tension of the workplace  6 exacerbated her condition. And I'm  7 asking you then to elaborate how you  8 believe that the stress in the  9 workplace either caused your condition  10 or exacerbated your condition.  11 A Exacerbated my condition to the  12 point that I had a nervous breakdown.  13 That's when I had to take off the  14 school. And I began to suffer these  15 horrible psychotic nightmares, always  16 dreaming with these horrible three  17 people, which in my mind, they were  18 Deshner, Templeton and Berkeley, and  19 there were all these horrible monsters  20 kind of like, when I had a nervous  21 breakdown, because I couldn't think  22 normally.  23 And they were consistently  24 hurting me. I don't want to be very  25 specific on the kind of psychological</p>
<p>Page 83</p> <p>1 Q I mean administration.  2 A Not in my face. I'm sure they  3 did because some of the students, they  4 came out --- and this is hearsay. I'm  5 very sorry, but this is hearsay. But  6 some of the students approached me that  7 they heard Deshner saying some things.  8 And I said, I cannot use it in court  9 because it's hearsay, that he said, I'm  10 going to get this little --- whatever.  11 Q But you never heard that?  12 A Not in my face.  13 Q Now, looking at number ten in  14 Exhibits Five and Six, again, I am not  15 sure that I have all of your medical  16 records, but since our last time that  17 we met for your deposition, I did  18 receive medical records from Dr.  19 Mercatoris. And I provided them to Mr.  20 Nichols.  21 ATTORNEY NICHOLS:  22 I got a couple.  23 BY ATTORNEY HEATH:  24 Q But in the supplemental response  25 to Interrogatory ten, again, it says</p>	<p>Page 81</p> <p>1 abuse that I went through when I had  2 all these horrible nightmares. And I  3 just remember screaming and screaming,  4 and I had to go to the hospital. And I  5 told them, I cannot even close my eyes  6 because these creatures, these three  7 creatures, they're constantly hurting  8 me, abusing me, ripping my skin off,  9 raping me. It was so terrible.  10 And then I was constantly  11 looking for a place. I have to go to  12 class, I have to go to class, I have to  13 find my classroom. And I explained to  14 them. They even thought, oh, well,  15 maybe she's into drugs. But when they  16 did a blood test, they realized that I  17 wasn't into drugs. I was just --- and  18 they gave me medication.  19 Q These are things you were  20 dreaming; correct?  21 A I couldn't even close my eyes  22 because the things were so real. And I  23 don't take drugs, and I don't drink,  24 although I have the reputation of being  25 an alcoholic, but I don't. I have very</p>

1 little tolerance for that. Needless,  
2 to say, it was extremely horrible. And  
3 it took me about six months, but to  
4 live with the constant fear, the  
5 constant dread of losing my job, losing  
6 my career after I have worked extremely  
7 hard, it was ---.

8 When I came to this country, I  
9 had to be born again. And I wanted to  
10 do my best to be a productive citizen  
11 of this country, because I love the  
12 United States. Just as I have answered  
13 evil, wicked people, that they have no  
14 scruples and they are slanderous and  
15 they hurt people and they want to tear  
16 their lives apart, I find all these  
17 loving, beautiful people, especially  
18 beautiful people at my church.  
19 And Uncle Sam has been so good  
20 to me because he gave me the  
21 opportunity to re-educate myself. I  
22 wanted to be a productive citizen. And  
23 then I struggled so hard to be a  
24 teacher again, because I was a music  
25 teacher. My parents were teachers. My

1 why. Because I left my country, right?  
2 And I start all over again. I start  
3 fresh. I came to this country. I was  
4 married. It was everything new. I was  
5 very excited about learning English,  
6 going to school. It was everything. I  
7 graduated. I found a job. I  
8 substituted. I got ESL. And then  
9 finally, I got a permanent job, and  
10 everything was incredible. It was  
11 fine.  
12 Q But my question was, prior to  
13 this job ---.  
14 A I have no problems until 1995.  
15 Q Isn't it true that you were  
16 molested as a child?  
17 A That's what I'm telling you.  
18 ATTORNEY NICHOLS:  
19 Counsel, you're going  
20 beyond ---.  
21 A Right. That's what I'm telling  
22 you.  
23 ATTORNEY NICHOLS:  
24 First of all, let me  
25 say ---.

1 brother's an engineer. My sister is a  
2 dentist. We come from a middle class  
3 family, but educated, the culture. I  
4 love music, I love Broadway. I grew up  
5 with that kind of music. So I wanted  
6 to do well in this country and be a  
7 productive citizen, not be like some  
8 other people, which is why I didn't  
9 apply for a benefit, taking from the  
10 government. I didn't want to do that.  
11 I said, I'm going to get ahead.  
12 And then, when I live with a  
13 constant fear that they were going to  
14 take my job away, constantly, three  
15 arbitrations ---. Did you have the  
16 slightest idea each arbitration, how  
17 mentally emotional, devastating,  
18 psychological ---?  
19 Q Would you agree with me that you  
20 had prior problems?  
21 A From the very first arbitration.  
22 Q Prior psychological problems  
23 prior to coming to this job?  
24 A Well, not really, and I'm going  
25 to tell you why. I'm going to tell you

1 ATTORNEY HEATH:  
2 I'm asking about the  
3 origin of her alleged mental  
4 disability.  
5 A And I'm going to tell you.  
6 That's what I'm telling you. When I  
7 came to this country --- you see how  
8 far I am? 2,000 miles. I don't see my  
9 family. I'm here. I started a new  
10 life. And also, remember I'm a  
11 Christian person. And knowing that you  
12 have to deal with these wicked, evil  
13 people, you still have to forgive them.  
14 BY ATTORNEY HEATH:  
15 Q And throughout this time frame  
16 though, ---  
17 A And that helped ---.  
18 Q --- isn't it fair to say that  
19 your relationships at home were less  
20 than stable?  
21 A But I'm not going to say because  
22 of that. I have to say that the second  
23 time I got married, I have to say that  
24 a great deal of problems I had with my  
25 husband, it was because of my first

<p>Page 90</p> <p>1 grievance. I explained that to you  2 last time. The third one, I'm not  3 going to blame it on anybody because it  4 was a psychotic pedophile, American man  5 that I met, so I cannot categorize and  6 say that they are all the same. That's  7 entirely not relevant. So I cannot  8 blame for the other ones. I gave  9 responsibility because I felt lonely.  10 I needed support. Since I don't have  11 my family here, then --- when you are  12 lonely ---  13 ATTORNEY NICHOLS:  14 That's not relevant. You  15 don't have to answer that.  16 ATTORNEY HEATH:  17 It is relevant in the  18 sense that if she's indicating  19 that her mental problems were  20 caused by the job ---  21 A But remember we said.  22 exacerbated. We used the word  23 exacerbated. That's what we used. In  24 1995, after I went to my first  25 grievance, that's when my whole entire</p>	<p>Page 92</p> <p>1 did it correctly. Oh, just one P. So  2 I shouldn't say yes, I do.  3 Q Looking at answer 12, again, I'm  4 confused as to what you're trying to  5 allege here. I'm asking for factors  6 that you believe support your  7 contention that Defendant either  8 regarded you as being legally disabled  9 or that you had a record of impairment.  10 And then you were talking about the  11 arbitration award again. And I'm not  12 understanding why that relates to how  13 the administration viewed you relative  14 to your mental position.  15 A I'm disabled. They asked me to  16 resign.  17 Q So what are you talking about  18 here? You're talking about what, the  19 issue that came up concerning the  20 suggestion that you could resign?  21 A It was not a suggestion.  22 Q Okay. I know we talked a little  23 bit about this before.  24 A And there is a memo that  25 says ---.</p>
<p>Page 91</p> <p>1 ordeal began. Prior to that, I never  2 had to see a psychologist, even with my  3 molestation I didn't. I didn't because  4 I learned to forgive, and also, I was  5 2,000 miles away. And I started a new  6 life. And you know, when you  7 mature, ---  8 ATTORNEY NICHOLS:  9 Just answer the question  10 you had. That's all.  11 A --- you don't blame others. But  12 in this particular case, I blame others  13 because they robbed me of my career, of  14 my life.  15 ATTORNEY NICHOLS:  16 You have to answer the  17 question that you were asked.  18 Just answer the question,  19 please.  20 BY ATTORNEY HEATH:  21 Q Do you know how to spell  22 depression?  23 A Of course.  24 Q Would you spell it for me?  25 AD-E-P-P-R-E-S-S-I-O-N. I hope I</p>	<p>Page 93</p> <p>1 Q And I understand that. But  2 that's what you're referring to here?  3 Is that what you mean?  4 A They asked me to resign. It was  5 not a suggestion.  6 Q Okay. But that's what I'm  7 asking. When you're talking about this  8 arbitration award, I'm not sure.  9 You're just saying that the --- again,  10 you're referring to the arbitration  11 award, that you did not --- that the  12 emotional distress you exhibited on  13 March 12th, 2002 did not warrant a  14 premature unsatisfactory rating for the  15 entire year. But that's what you're  16 basing your claim that you were being  17 regarded as disabled as to what, your  18 behavior in March of 2002?  19 A My mental condition. I only  20 asked for three days to cool off  21 because I realized at that moment ---  22 you see my evaluations. You see all  23 satisfactory.  24 Q I'm just trying to narrow down  25 what it is you're claiming.</p>



1 A. Well, I'm going to try to  
2 explain to you if you allow me to do  
3 so.

4 Q But let me stop you, because  
5 what I'm asking you --- to be clear on  
6 what I'm asking you. I'm asking you  
7 what your claims are that you were  
8 regarded as being disabled. And you're  
9 focusing on what happened here in March  
10 of 2002. So I want to know if that  
11 incident is the basis of your claim  
12 that you were discriminated against and  
13 then later terminated because you were  
14 regarded as being disabled.

15 A. Correct.

16 Q Is there anything else that  
17 you're basing that regarded as being  
18 disabled claim on?  
19 A. From the very beginning that I  
20 took off in 1997, all my excuses, my  
21 medical leave, everything, the whole  
22 entire history of my medical and  
23 depression and stress. When I took  
24 three days, because they began to  
25 exacerbate that, ---.

1 Q In 2002?

2 A. In 2002. When Mr. Higgins had  
3 been totally honest, very truthful as  
4 supposed to be --- I'll ask. He saw me  
5 teaching. He saw how well I was  
6 performing. And then suddenly turned  
7 around because he was pressured, I'm  
8 sure they said, whether you help us to  
9 get rid of her and you go and find  
10 faults in her teaching, or his job  
11 might be at stake. All these men have  
12 no balls to be real truthful, and  
13 they're afraid of losing their job. So  
14 they take down a little Mexican. Who  
15 cares? Let's get rid of her. Take her  
16 back to Mexico.

17 Q And this is your supposition?

18 A. Like so many students, they  
19 said, why don't you go back to Mexico?  
20 And Dr. Berkebile, their mothers will  
21 discipline them. Do you have a green  
22 card? Do you want to get a second job?  
23 The parents will discipline. But  
24 you're lying. You are not really  
25 disciplining them. They say that they

1 didn't do anything. They never said  
2 anything. Anyway, I'm sorry.

3 ATTORNEY NICHOLS:

4 Counsel, I don't think

5 she understood your question.

6 You asked her question 12;

7 right?

8 ATTORNEY HEATH:

9 Yes.

10 ATTORNEY NICHOLS:

11 And I don't think you

12 understood the question. So

13 take a moment.

14 A. They ---.

15 ATTORNEY NICHOLS:

16 Wait a minute. You have

17 given her answers, and I think

18 you should read that. Take a

19 moment and read --- wait a

20 minute. The supplement. Take a

21 moment and look at the

22 supplement.

23 A. That's what I thought that she

24 just read. On March 12, it was not

25 reason for them to give me an

1 unsatisfactory.

2 ATTORNEY NICHOLS:

3 Well, that ---.

4 A. They regarded me as disabled.

5 And I thought you already read the  
6 arbitration.

7 ATTORNEY NICHOLS:

8 I understand. You notice

9 with respect to question 12, I

10 answered, that is not her

11 statement. That is drawn from

12 the arbitration conclusion.

13 ATTORNEY HEATH:

14 Again, I don't care what

15 the arbitrator said. I want to

16 know what the basis of her claim

17 in this particular action is.

18 ATTORNEY NICHOLS:

19 Asked and answered.

20 A. They asked me to resign because

21 I submitted --- they saw me as

22 disabled. Why did they send me for a

23 psychological evaluation? Why? If

24 they didn't see me as disabled, why did

25 they ask me?

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1 BY ATTORNEY HEATH:  
 2 Q And that's what I'm asking you,  
 3 if that's what you're focusing on.  
 4 A And the suspension for two  
 5 months.  
 6 Q Now, when you're talking about  
 7 the suspension, you mean when?  
 8 A On that time.  
 9 Q In March of 2002?  
 10 A March 12th. As soon as I came  
 11 back from taking that medical leave,  
 12 they suspended me for two months and  
 13 they sent me for a psychological  
 14 evaluation. And their own psychologist  
 15 told them, she's just depressed. That  
 16 doesn't mean she's not fit to work.  
 17 And I complied with every single  
 18 request they did, every single thing,  
 19 even when my depression ---. You know,  
 20 I stayed after school every day ---  
 21 ATTORNEY NICHOLS:  
 22 Did you even ask her a  
 23 question?  
 24 A --- to be able to do all the  
 25 work.

1 special education children?  
 2 A Not a problem, because I still  
 3 discipline them. What is the big  
 4 problem here? As soon as I discipline,  
 5 oh, you're lying. The students didn't  
 6 say it. They didn't do it. Lack of  
 7 support from administration. I  
 8 discipline. I wish you would come in  
 9 to see my classes, and all the  
 10 classroom expressions that they need.  
 11 Even the substitute teacher said she  
 12 was amazed at how much Spanish --- that  
 13 was my job. I speak Spanish. And I  
 14 discipline.  
 15 Q So the reason you're saying it  
 16 was a hostile --- you believed it was a  
 17 hostile and stressful work environment  
 18 was because you were given what you  
 19 believe was a disproportionate number  
 20 of special education and problem  
 21 students?  
 22 A That is not the reason. The  
 23 main reason is the lack of support from  
 24 administration.  
 25 Q I'm asking because of what you

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1 BY ATTORNEY HEATH:  
 2 Q Okay. Looking at number 13 now,  
 3 and the answers that you put forward on  
 4 Exhibit Five and Six, you're  
 5 indicating here that you returned to a  
 6 hostile and stressful work environment  
 7 upon your return from medical leave.  
 8 And what are you talking about? Are  
 9 you talking about 1999?  
 10 A 1999, 2000.  
 11 Q Is that what you're talking  
 12 about?  
 13 A They gave me Spanish 1 with all  
 14 these special ed students that they  
 15 have problems as much with any other  
 16 teacher. The only problem with my  
 17 class, Spanish 1, is that special  
 18 education, you might have maybe a few,  
 19 seven of them. This other class might  
 20 have only two over here. I get them  
 21 all. All the special education kids.  
 22 Q So you're saying ---?  
 23 A If they have problems, another  
 24 teacher's with them.  
 25 Q You have a problem teaching

1 just said.  
 2 A They gave me all these special  
 3 education --- unruly, special  
 4 education. And also in my claim is the  
 5 lack of support from administration in  
 6 disciplining these unruly students.  
 7 Q Okay. Then if you look to,  
 8 again, 13, the supplemental answer that  
 9 you have on Exhibit Six, the last  
 10 sentence there is, the administration  
 11 showed no regard or accommodation for  
 12 her medical condition. What  
 13 accommodation did you ever request that  
 14 was denied to you?  
 15 A I told Mr. Deshner to please  
 16 give me back my higher classes. And if  
 17 Barbara was so great in disciplining,  
 18 why didn't he give all these special ed  
 19 kids to her?  
 20 Q So that was your request?  
 21 A I asked him to ---  
 22 Q And that was your request for  
 23 accommodation?  
 24 A I did. Just give me my higher  
 25 classes and my classroom.



1 Q Because you felt what, you were  
 2 unable to teach special education or  
 3 problem students?  
 4 A It's not that I wasn't able. It  
 5 was more stressful. And the lack of  
 6 support from the administration made it  
 7 even harder. When the students come  
 8 and say, Mr. Higgins said that you're  
 9 going to get fired, Mr. Higgins said  
 10 that he's so sick and tired of you  
 11 sending kids to the office, that's what  
 12 he told me to do. They didn't want me  
 13 to put them outside the classroom.  
 14 Other teachers did.  
 15 And even the student that  
 16 attacked me and hit me and beat me up,  
 17 they put her back in my classroom. And  
 18 then he came and said, she wasn't  
 19 sleeping in your classroom. I woke her  
 20 up very tactfully. This girl is the  
 21 one that would say, you don't even know  
 22 how to speak English, and she would  
 23 call me all kinds of horrible names.  
 24 But I asked her to please sit up nice  
 25 and straight, Mr. Higgins is watching.

1 primarily contained in your chronology  
 2 of events.  
 3 A I'm sorry, but it's not what I  
 4 believe. It's what happened to the  
 5 point that I'm fired right now. I  
 6 don't have a job. And I'm ---  
 7 Q I'm just saying that I think the  
 8 answer to this question, if I'm  
 9 correct, is primarily contained in your  
 10 chronology of events; is that correct?  
 11 A And my grievances.  
 12 Q Okay. I'm not going to, you  
 13 know, make you rehash all of that  
 14 again. I'm just trying to be clear.  
 15 But you do say here that some of the  
 16 witnesses to the incidents would be  
 17 John Stanford, Marlene Gourly, Joanne  
 18 Williston and Janine --- how do you say  
 19 her last name?  
 20 A Maziarz.  
 21 Q Maziarz. Now, John Stanford,  
 22 you already depose him; correct?  
 23 A We already did.  
 24 Q And Marlene --- it actually says  
 25 Gourly, but I believe it's Gourly.

1 And he saw everybody was behaving  
 2 because I discipline. But when the  
 3 students know that the administration  
 4 doesn't back you up, it makes it  
 5 harder, more stressful.  
 6 Q And looking at 18, and look at  
 7 Exhibit Six, which is your supplemental  
 8 response.  
 9 A Eighteen (18). Okay.  
 10 Q The question was, identify each  
 11 and every alleged incident of  
 12 discrimination referring or relating to  
 13 your alleged complaint. Include the  
 14 following information for each  
 15 incident. Then I asked for the date,  
 16 time and place of the incident, the  
 17 person engaging in the conduct, the  
 18 nature of the conduct and why you  
 19 believe it was based on your gender  
 20 and/or in retaliation for engaging in  
 21 protected activity, and all witnesses  
 22 to the incident.  
 23 And I understand that we've  
 24 already talked about what you believe  
 25 the basis for your complaint is, is

1 A It's Gourly with an L.  
 2 Q And Joanne Williston's already  
 3 been depose; correct?  
 4 A Correct.  
 5 Q And then what do you believe  
 6 that Marlene Gourly is going to testify  
 7 about?  
 8 A Well, she was there when she  
 9 realized that Mrs. Templeton forbade me  
 10 to give detentions and sent me a letter  
 11 saying, oh, you're picking on the kids.  
 12 You sent all these kids and they said  
 13 that you're picking on them. And we  
 14 already called the parents. I forbid  
 15 you to give them detention. You have  
 16 the letter.  
 17 And also, she was yelling and  
 18 screaming. I told her, I said, well,  
 19 you want me to be consistent. I have  
 20 the classroom rules. And she said, I  
 21 don't care. And I said, Mr. Deshner  
 22 signed them. I don't care. They're  
 23 not flexible. So I changed my  
 24 classroom rules so many times because  
 25 they were flexible, they were not

<p>Page 106</p> <p>1 flexible, they were too long, they were 2 too big, they were too little. I even 3 used Barbara Kurtz's classroom rules. 4 Q You indicated to me that --- 5 when you're talking about this Mrs. 6 Templeton issue, --- 7 A She was screaming and yelling. 8 Q --- that she gave you a memo; 9 correct? 10 A Yeah. We have it. Do you want 11 it? 12 Q I'm going to ask you to take a 13 look at it, and ask if this is the 14 memo. And it's dated October 3rd, 15 1997. 16 WITNESS REVIEWS DOCUMENT 17 A Yeah. They were being treated 18 unfairly. Yeah, that's the memo. 19 Yeah. They were singled out. Poor 20 things. They had no problems with 21 anybody but me. 22 BY ATTORNEY HEATH: 23 Q Okay. I'm just trying to ask 24 you if that's what you're referring to. 25 A Yes. Uh-huh (yes). And then we</p>	<p>Page 10</p> <p>1 listen to what she was saying, and that 2 you continued to interrupt her, then 3 she asked you not to speak until she 4 finished? Do you recall that? 5 A I do have all the discipline 6 that she suggested, teacher detention, 7 teacher detention, teacher detention. 8 Q I'm just asking if you recall 9 that particular exchange. 10 A I do not recall that. No, of 11 course not. 12 Q Do you recall at the end of the 13 meeting that you pointed your finger at 14 Mrs. Templeton and made accusatory 15 statement such as, quote, you are 16 unprofessional, you are always siding 17 with students, end quote, and quote, 18 Mrs. Templeton, you know we have this 19 thing between us, end quote, and then 20 she asked you to explain and you said, 21 quote, because of what happened in the 22 past, I know you were trying to get rid 23 of me, and you were pointing your 24 finger and raising your voice? Do you 25 recall that?</p>
<p>Page 107</p> <p>1 had a meeting. 2 Q And Mrs. Gourtly was at the 3 meeting? Is that what you're saying? 4 A Yes, she was at the meeting. 5 Yeah. We are going to try to depose 6 her and see if we can get the notes. I 7 don't know if she wants them, other 8 than why it took place, because she 9 even talked to Mr. Lescola (phonetic), 10 and she told Mr. Lescola that she had 11 never, never seen anybody being treated 12 so rude and so unprofessional like they 13 treated me. 14 Q And you're saying that you 15 believe Mrs. Gourtly's going to testify 16 to that? 17 A I hope that she does. 18 Q Do you recall the meeting that 19 occurred and Mrs. Templeton indicating 20 to you that she was trying to explain 21 the situation and you were constantly 22 interrupting her? Do you recall that? 23 A I just remember --- 24 Q She was talking about the 25 student complaints and had asked you to</p>	<p>Page 10</p> <p>1 A No. When people say I'm 2 pointing my finger, did you see how 3 sometimes I roll my hands? It's not 4 pointing fingers. Pointing fingers is 5 like this. I move my hands many times 6 when I talk. Now, I was telling her 7 the truth, that since I won that 8 arbitration, they were retaliating. 9 As soon as I filed my complaint 10 with PHRC, what did they do? Memo 11 after memo, memo after memo, memo after 12 memo. Darned if I disciplined, darned 13 if I didn't. And then they say, your 14 classes were chaotic. Well, she's 15 telling me not to give them detention. 16 The students that I sent, when I was 17 suspended, the other teacher sent them 18 to them. And they did nothing to her. 19 They did not tell her, you are picking 20 on the students. 21 But it was the same pattern, 22 consistently, never supported me. They 23 supported other teachers, no question. 24 With me, they even called them to 25 testify.</p>

1 Q But my question was, do you  
2 recall that particular exchange between  
3 you and Mrs. Templeton?  
4 A That's what Mrs. Goutry can  
5 testify because she was there.  
6 Q And so you're saying it didn't  
7 happen? You didn't point your finger,  
8 you didn't raise your voice?  
9 A I don't point my finger. I did  
10 not raise my voice. I told her that  
11 she was being totally unprofessional  
12 the way she was treating me and totally  
13 rude, and that she was trying to get  
14 rid of me. They were trying to get rid  
15 of --- no, they weren't trying. They  
16 did, by the book, like they told them  
17 that they wanted to do it, to some of  
18 the union reps. They wanted to fire me  
19 by the book.  
20 Why do you think they took my  
21 students to have a test two months into  
22 the school year? They were not even my  
23 students, none of them but two. They  
24 were Mrs. Maziarz's students, all of  
25 them. And Mr. Desliner said, because I

1 have not yet been deposed are going to  
2 testify to. Is there anything else  
3 that you think Marlene Goutry could  
4 testify to other than that meeting we  
5 just discussed ---?  
6 A You will have to ask her.  
7 Q Just let me finish. Other than  
8 the meeting we discussed with Mrs.  
9 Templeton that you can think of as you  
10 sit here today?  
11 A I cannot think of anything.  
12 Q Okay. Now, Janine ---  
13 again ---?  
14 A Maziarz.  
15 Q Maziarz. What do you believe  
16 she can testify to?  
17 A Since she was my close friend,  
18 probably the number of times that she  
19 just saw me crying and crying, and she  
20 doesn't understand how I can deal with  
21 such harassment. And ---  
22 Q Was she a teacher?  
23 A She was my friend and we were  
24 co-workers. We taught in the same  
25 classroom for 15 years.

1 was not teaching. It was only October.  
2 And two of them were only my students,  
3 former students, only two.  
4 Why did they take only my  
5 students, nobody else's? Two months  
6 into the year, we had just started.  
7 Because I was not teaching, that's what  
8 he said. And none of them were my  
9 students. Because they were planning  
10 this. It didn't matter if they were  
11 going to get rid of me. It didn't  
12 matter what. I already won three  
13 grievances. I had already filed with  
14 the HRC. It didn't matter. They were  
15 going to ---.

16 Q Again, my question really was  
17 just specifically related to that  
18 particular meeting with Mrs. Templeton.  
19 Because I'm asking you, again, I want  
20 you to focus back on Exhibit Six and  
21 these particular Interrogatory  
22 questions and your answers. And you  
23 were telling me who the witnesses were.  
24 And I'm trying to determine what you  
25 believe these particular people that

1 Q Is she retired from the  
2 District?  
3 A She's retired. But her husband  
4 was in the School District for many,  
5 many years. And although I'm sure ---  
6 I love her dearly. I really, really  
7 love her and I'm not going to talk  
8 about her, but I know that she had a  
9 great deal of problems with the  
10 students. If I would have done what  
11 she did with some of the students, my  
12 class, I would have been fired on the  
13 spot.  
14 But remember, her husband was on  
15 the school board. He was the  
16 president. So they didn't put her in  
17 an actual classroom until the very last  
18 year prior to her retirement.  
19 Q What is her national origin?  
20 A She's Arab and ---  
21 ATTORNEY NICHOLS:  
22 Moroccan.  
23 A --- Moroccan Arab. Yeah. I  
24 don't know if she has some French. I  
25 know she knows Spanish. But she was

<p>Page 114</p> <p>1 born in Morocco. It's Arab. But she's  2 a wonderful person, though. I know she  3 had problems with the kids because she  4 was just extremely, extremely, I think,  5 very ---  6 ATTORNEY NICHOLS:  7 Counsel, ---  8 A--- loving to them.  9 ATTORNEY NICHOLS:  10 --- with respect to  11 question 18, the answers at  12 question 18, subpart E, we may  13 well alter that list of  14 individuals.  15 ATTORNEY HEATH:  16 Okay.  17 ATTORNEY NICHOLS:  18 Okay.  19 BY ATTORNEY HEATH:  20 QIs there anyone else as you sit  21 here today that you can think would  22 have information concerning the alleged  23 discrimination that occurred?  24 AJust the records, they speak for  25 themselves. And I'm out of a job. And</p>	<p>Page 114</p> <p>1 QBut she believed that she was  2 not treated well under Mr. Deshner,  3 also?  4 AShe refers to it as a living  5 hell under Deshner because he hates  6 women. Well, you know, he's gay, which  7 is detestable to Jehovah, really. To  8 God, it's unacceptable. But that's  9 immorality. That's immoral. They  10 accuse me of immorality because I gave  11 information to my lawyer. That's  12 immorality.  13 And you know what I heard the  14 kids saying? This is terrible. The  15 kids were saying, don't let yourself go  16 with the principal, because he's gay  17 and he may rape you. They were afraid  18 of him. And they had him as a  19 principal. That was immorality.  20 QAll right. But my point was, I  21 was just trying to determine if, in  22 fact, --- what's her name? Mrs. ---?  23 ATTORNEY NICHOLS:  24 Englebaugh.  25 BY ATTORNEY HEATH:</p>
<p>Page 115</p> <p>1 what did they do? They hired young,  2 white male ---  3 QI'm asking about people.  4 AJust documentation. We'll think  5 of more witnesses if we have to.  6 QAs you sit here today, can you  7 think of anybody else ---?  8 AYeah. We are going to call  9 Englebaugh.  10 ATTORNEY NICHOLS:  11 Yes. Ms. Englebaugh.  12 BY ATTORNEY HEATH:  13 QAnd who is she?  14 AShe was involuntarily  15 transferred to another school until  16 they made her resign because it was  17 living hell when she got here with  18 Deshner. It was a living hell.  19 QIs she Hispanic?  20 AShe looks like me, but she's  21 Italian. But she looks like me.  22 QAnd does she have any perceived  23 mental disabilities or ---?  24 AI don't know if she does or not.  25 You will have to ask her.</p>	<p>Page 11</p> <p>1 QEnglebaugh was in any type of  2 protected class such as being of a  3 different national origin or ---  4 AUnfortunately, she wasn't, no.  5 Q--- had any disability?  6 AShe didn't do anything.  7 QOkay. Let me show you what  8 we'll mark as Exhibit Nine. And it's a  9 job description.  10 (de Leon Exhibit Number  11 Nine marked for  12 identification.)  13 BY ATTORNEY HEATH:  14 QJust take a minute and look it  15 over, please. There's only three  16 pages. Look it all over.  17 AUh-huh (yes).  18 WITNESS REVIEWS DOCUMENT  19 AOkay.  20 BY ATTORNEY HEATH:  21 QAnd is that your signature? Or  22 I'm sorry. Is this something that you  23 received? Was that your name at the  24 time, McCracken?  25 AI'm sure that I did, yes.</p>

Page 118	Page 120
<p>1 Q And was this something that you 2 were aware of? 3 A Of course I was. Uh-huh (yes). 4 Q And you were aware of what your 5 performance responsibilities were; 6 correct? 7 A Which I did. Look at my --- the 8 records speak for themselves. Look at 9 my evaluations. 10 Q And this goes from one to 13. 11 I'm just wanting to make sure that 12 you're aware of all of these aspects of 13 what was expected of you concerning 14 your performance? 15 A Yeah. And look at my 16 evaluations, my observations. 17 Q Well, I'm asking you. You were 18 aware that these were the criteria upon 19 which you were going to be --- 20 A Correct. 21 Q --- evaluated? 22 A Right. 23 Q And please wait until I finish 24 asking before you answer, just so that 25 she's not typing when two people are</p>	<p>1 (de Leon Exhibit Number 2 Ten marked for 3 identification.) 4 BY ATTORNEY HEATH: 5 Q This was something that you 6 provided to me in response to when I 7 requested HIPAA releases from you in 8 this lawsuit. And would you agree with 9 me that that's your handwriting on the 10 front page? 11 A Yes, it is. 12 Q And you spelled depression with 13 two P's? 14 A I'm very sorry. It's just one 15 P? 16 Q And looking at the second page, 17 you spelled it with two P's twice. 18 A I'm sorry. And what does that 19 have to do with my English? Does that 20 mean that I'm unfit to teach Spanish? 21 Q Well, I'm just asking. I'd like 22 to mark this as Exhibit 11 and ask you 23 to take a look at that. 24 (de Leon Exhibit Number 25 11 marked for</p>
Page 119	Page 121
<p>1 speaking; okay? Have you ever been 2 spoken to by anyone in the 3 administration concerning issues 4 concerning your English spelling or 5 grammar? 6 A No, not really. 7 Q When you say not really, what 8 does that mean? 9 A Nobody ever did. Because if 10 they would have done that, they would 11 have had to talk to all the other 12 teachers as well. You should have 13 heard Mr. Elmer's talking. 14 Q When you were saying --- for 15 example, I had asked you if you could 16 spell depression, and you spelled it 17 with two P's; correct? 18 A Yeah. I think it's just one. 19 Sorry. Do you know what I do most of 20 the time? Whenever I want to write, I 21 try to get my dictionary, but sometimes 22 I just --- it depends what I write. 23 Most of my schoolwork, I did. 24 Q I'm going to show you what we'll 25 mark as Exhibit Ten.</p>	<p>1 identification.) 2 A They said I'm incompetent. 3 BY ATTORNEY HEATH: 4 Q Can you see any misspelled word 5 there? 6 A Okay. Receive, I-E. Placed, 7 E-D. Under, she was never under. 8 Q What about chaotic? Do you know 9 how to spell chaotic? 10 A Chaotic, I think it's 11 C-H-A-O-T-I-C, chaotic. C-H-A-O-T-I-C. 12 Q So there's at least two mistakes 13 in here; correct? 14 A Oh, I'm very sorry. However, 15 remember, I'm a Spanish teacher. But 16 when I do, I always check my 17 dictionary. Everything is written with 18 the textbooks. 19 Q I want to show you what we'll 20 mark as Exhibit 12, which is five 21 pages. 22 (de Leon Exhibit Number 23 12 marked for 24 identification.) 25 BY ATTORNEY HEATH:</p>



Page 122	Page 123	Page 12
<p>1 Q I'm just going to ask you first</p> <p>2 to look at page two. And this page two</p> <p>3 is something that you prepared, is that</p> <p>4 correct?</p> <p>5 A No, it was Mrs. Barbara Kurtz.</p> <p>6 I copied from her. I just wrote Mrs.</p> <p>7 de Leon on top. But it's Mrs. Kurtz's.</p> <p>8 She uses ---.</p> <p>9 Q No, page two.</p> <p>10 A Oh, page two.</p> <p>11 Q It says parent conferences,</p> <p>12 school year '01, '02.</p> <p>13 A Okay.</p> <p>14 Q For example, it says under the</p> <p>15 first subpart there, K.B., special ed</p> <p>16 conference held with mother and I.</p> <p>17 Then again it continues saying mother</p> <p>18 and I, with mother and I. Did anyone</p> <p>19 ever bring to your attention that's</p> <p>20 incorrect?</p> <p>21 A No. What should I write?</p> <p>22 Q Well, I'm just asking if you</p> <p>23 know whether or not that's correct.</p> <p>24 A I assume that it was correct,</p> <p>25 mother and I, but if you say it's not,</p>	<p>1 I would like to know what is wrong with</p> <p>2 it.</p> <p>3 Q Well, you have to teach Spanish</p> <p>4 grammar, correct?</p> <p>5 A Yes. And we say yo, su madre y</p> <p>6 yo.</p> <p>7 Q What if you have something with</p> <p>8 with?</p> <p>9 A Con. Con su mama y conmigo and</p> <p>10 with me. Con su mama y conmigo. With</p> <p>11 me.</p> <p>12 Q Correct.</p> <p>13 A Mother and ---.</p> <p>14 Q Me.</p> <p>15 A And me? Is that right?</p> <p>16 Q Right.</p> <p>17 A Me is wrong.</p> <p>18 Q With me. It's the same</p> <p>19 grammatical concept.</p> <p>20 A With me and the mother.</p> <p>21 Q Con su madre y migo?</p> <p>22 A Right. But in this particular</p> <p>23 case --- when I was learning English,</p> <p>24 you would say, and I.</p> <p>25 Q Not when there's a with there.</p>	<p>1 A You don't say, and me.</p> <p>2 Q Not when there's a with. I was</p> <p>3 an English major. I think I'd know.</p> <p>4 A I know. But with mother and I.</p> <p>5 And we have a preposition, and I.</p> <p>6 Q So you think that's correct?</p> <p>7 That's all I'm asking you.</p> <p>8 A I don't want to say yes or no.</p> <p>9 I will have to ask an English teacher.</p> <p>10 Q Okay.</p> <p>11 A Con su madre, with their mother</p> <p>12 and I --- and myself. I could say on</p> <p>13 myself. I think that's what I heard,</p> <p>14 it's an I. But if you have an English</p> <p>15 major ---. This one I copied from Mrs.</p> <p>16 Barbara Kurtz, where you copied this.</p> <p>17 And if it's a mistake, these are from</p> <p>18 Barbara, not from mine, because I just</p> <p>19 copied it from her. She allowed me to</p> <p>20 copy it. That's Mrs. Kurtz's classroom</p> <p>21 rules. She allowed me to copy them</p> <p>22 from her.</p> <p>23 Q Okay. Looking at the last page</p> <p>24 of this exhibit, this is from you to</p> <p>25 Mr. Higgins. It's a handwritten memo</p>
<p>1 dated 3/13/02. Do you see anything</p> <p>2 wrong with the first sentence there?</p> <p>3 A Okay. Are you talking about</p> <p>4 number 17?</p> <p>5 Q Yes. It says D-17. It's the</p> <p>6 last page of this exhibit.</p> <p>7 A Okay. And what's wrong?</p> <p>8 Advised?</p> <p>9 Q It says advised.</p> <p>10 A Should it be advice without</p> <p>11 the ---?</p> <p>12 Q A-D-V-I-S-E-D. Advised. Advice</p> <p>13 is a noun. Advice is a verb</p> <p>14 --- now I'm getting myself confused.</p> <p>15 Advice is a noun. Advised is a verb.</p> <p>16 A Okay. Please be advise ---</p> <p>17 Q Okay.</p> <p>18 A --- without the D.</p> <p>19 Q Without the C. It would be an</p> <p>20 S.</p> <p>21 A Oh, with an S? But it's correct</p> <p>22 with the E-D?</p> <p>23 Q Correct.</p> <p>24 A Okay.</p> <p>25 Q Let me show you two exhibits</p>	<p>1 dated 3/13/02. Do you see anything</p> <p>2 wrong with the first sentence there?</p> <p>3 A Okay. Are you talking about</p> <p>4 number 17?</p> <p>5 Q Yes. It says D-17. It's the</p> <p>6 last page of this exhibit.</p> <p>7 A Okay. And what's wrong?</p> <p>8 Advised?</p> <p>9 Q It says advised.</p> <p>10 A Should it be advice without</p> <p>11 the ---?</p> <p>12 Q A-D-V-I-S-E-D. Advised. Advice</p> <p>13 is a noun. Advice is a verb</p> <p>14 --- now I'm getting myself confused.</p> <p>15 Advice is a noun. Advised is a verb.</p> <p>16 A Okay. Please be advise ---</p> <p>17 Q Okay.</p> <p>18 A --- without the D.</p> <p>19 Q Without the C. It would be an</p> <p>20 S.</p> <p>21 A Oh, with an S? But it's correct</p> <p>22 with the E-D?</p> <p>23 Q Correct.</p> <p>24 A Okay.</p> <p>25 Q Let me show you two exhibits</p>	

1 that we'll mark --- what are we up to  
2 now?  
3 COURT REPORTER:  
4 Thirteen (13).  
5 ATTORNEY HEATH:  
6 Thirteen (13) and 14.  
7 (de Leon Exhibits 13 and  
8 14 marked for  
9 identification.)  
10 AL let me ask you something. I  
11 hope that --- because of those little  
12 tiny grammar mistakes, do you think  
13 maybe that's why I lost my job? Does  
14 that make me incompetent?  
15 BY ATTORNEY HEATH:  
16 QI was just asking if you were  
17 aware that there were grammatical  
18 errors there, or spelling errors.  
19 A Most of the time I would use the  
20 dictionary.  
21 QI'm asking you now to take a  
22 look at what's been marked as 13 and  
23 14. And these are two complaints that  
24 were filed with the PHRC. And I won't  
25 get into what we discussed at the last

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1 deposition. And I know there is an  
2 issue as to whether or not your PHRC  
3 complaint was ever formally amended to  
4 incorporate your termination.  
5 AI did ---  
6 Q And I know you indicated to me  
7 --- you gave me the packet of what you  
8 sent. But in that packet of what you  
9 sent, you didn't send your statement of  
10 charges letter.  
11 AI is.  
12 Q You believe that it's in that  
13 packet?  
14 AI do have it.  
15 QI mean, did you send that to the  
16 PHRC?  
17 AI did. And they sent it back to  
18 me. I do have the whole entire  
19 portfolio. And I have a witness. One  
20 of my girlfriends went with me, and I  
21 handed it to him, and also, I sent it  
22 by mail. As soon as they sent me a  
23 copy ---  
24 QI understand that. But what I'm  
25 asking you, do you know if your

1 statement of charges letter, that was  
2 your termination letter in there, ---  
3 AI is.  
4 Q --- was that in there?  
5 AI is in there. It is in there.  
6 Q Is it correct that these two  
7 complaints were the only complaints  
8 that you filed?  
9 AI also filed my firing.  
10 QI mean, I know you're saying you  
11 gave them documents and they were to  
12 amend it.  
13 A Right.  
14 Q But you never signed any  
15 amendment, did you?  
16 AI signed everything that he sent  
17 me, Mr. Flipping. That's his job.  
18 He's the one responsible for that.  
19 QI understand that your position  
20 is that you provided the PHRC with the  
21 information and they may have failed to  
22 follow up.  
23 AI know Mr. Flipping did. Did  
24 you ask him?  
25 Q But you didn't sign any ---

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1 there's no other complaint that I don't  
2 have; is that correct? You don't have  
3 something else other than what I have  
4 here?  
5 ATTORNEY NICHOLS:  
6 Counsel, I have to say,  
7 first of all, this is all ---  
8 ATTORNEY HEATH:  
9 I'm just ---  
10 ATTORNEY NICHOLS:  
11 Let me just say  
12 something.  
13 ATTORNEY HEATH:  
14 I know we went through  
15 this last time.  
16 ATTORNEY NICHOLS:  
17 Yes. We went before  
18 Judge McLaughlin.  
19 ATTORNEY HEATH:  
20 Well, we didn't --- we  
21 didn't.  
22 ATTORNEY NICHOLS:  
23 Yes, we did. On the  
24 question of amendment, the Judge  
25 clearly said on the record ---



<p>Page 130</p> <p>1 and again, I'm going to remind 2 you the Judge remembers. He 3 told you, Counsel, I'm not going 4 to till this ground again. And 5 the issue dealing with 6 exhaustion of remedies, that's 7 what you're asking. 8 ATTORNEY HEATH: 9 Please stop. Can we 10 stop? We did this last time? I 11 don't want to do this now. It's 12 wasting time. 13 ATTORNEY NICHOLS: 14 But you brought it up. 15 ATTORNEY HEATH: 16 We will be going before 17 him anyway. You can bring it up 18 before the Judge. You don't 19 have to argue your point here. 20 There is no one to say whether 21 you're right or wrong. You know 22 I disagree. 23 ATTORNEY NICHOLS: 24 He'll remember. 25 ATTORNEY HEATH:</p>	<p>Page 131</p> <p>1 judgment. That's what he told 2 me. 3 ATTORNEY NICHOLS: 4 He told you --- 5 BY ATTORNEY HEATH: 6 Q All I'm asking is, there isn't 7 anything else that I don't have; is 8 that right? 9 A I don't know because --- you 10 subpoenaed the file, right? 11 Q Right. 12 A And they should have that in 13 there because I sent it by mail twice, 14 and I took it in person the third time. 15 So they should have a copy. 16 Q But you never signed another 17 verification for an amended complaint; 18 right? 19 A I'm telling you, what I signed, 20 I sent it back to him. He should have 21 a copy of it. 22 Q So if it's not in the file, it 23 doesn't exist? 24 A It has to exist. 25 Q If there's no amended complaint</p>
<p>Page 131</p> <p>1 Okay. Great. Then we'll 2 bring it up before Judge 3 McLaughlin. I just want to make 4 sure, as I'm sitting here, that 5 there's no other complaint 6 that's amended that suddenly is 7 going to appear at some later 8 date. 9 ATTORNEY NICHOLS: 10 I'm just saying, please 11 don't waste the Judge's time. 12 Because if you bring it up 13 again, you're wasting taxpayers' 14 money and you're really 15 insulting the Judge, continuing 16 to bring this up again. 17 ATTORNEY HEATH: 18 Well, that's your 19 opinion. 20 ATTORNEY NICHOLS: 21 He told you two or three 22 times. 23 ATTORNEY HEATH: 24 What he said was, I could 25 braze it again at summary</p>	<p>Page 13</p> <p>1 with a signed verification in that 2 file, you don't have anything else; 3 right? 4 ATTORNEY NICHOLS: 5 Well, wait a minute. She 6 can't speak to what happened and 7 what they did. 8 ATTORNEY HEATH: 9 I know that. 10 ATTORNEY NICHOLS: 11 She is not responsible. 12 ATTORNEY HEATH: 13 I understand that. I'm 14 asking her --- 15 ATTORNEY NICHOLS: 16 So don't ask her the kind 17 of question which imputes 18 responsibility on her --- 19 ATTORNEY HEATH: 20 I understand your 21 position. 22 ATTORNEY NICHOLS: 23 --- if they are 24 careless. 25 ATTORNEY HEATH:</p>

1 I'm asking her what she  
2 signed, for God's sake.

3 ATTORNEY NICHOLS:

4 All right. I just wanted

5 to be clear.

6 A.I signed whatever they sent me.

7 I do have the documentation.

8 BY ATTORNEY HEATH:

9 QAll right.

10 ADon't you think that it would

11 have been the most important thing?

12 The first person I called, it was Mr.

13 Flipping, when they fired me, the very

14 first person. And I cried and cried on

15 his shoulder, and I told him, they just

16 fired me. You knew they were going to

17 do it. That's what they were looking

18 for, not to help me to improve when

19 they knew I had a Master.

20 They even said in one of the ---

21 on the third evaluation that they gave

22 me unsatisfactory, she doesn't show

23 professional improvement. And I was

24 taking a Master's at Mercyhurst. They

25 didn't even ask ---

1 won your grievance, they didn't find

2 probable cause for you, ---

3 A.They closed the case.

4 Q--- correct? They never found

5 probable cause ---?

6 A.They closed the case. They

7 closed the case.

8 QDid they ever find probable

9 cause?

10 A.They never came to it because I

11 won the grievances. And I didn't win

12 the fourth one, and then I never heard

13 from them after three years. It will

14 be four.

15 QI'm going to show you what we'll

16 mark as Exhibit 15.

17 (de Leon Exhibit Number

18 15 marked for

19 identification.)

20 SHORT BREAK TAKEN

21 BY ATTORNEY HEATH:

22 QActually, I'm sorry. Can we

23 just go back a second to the prior

24 complaint? I'm sorry. I apologize.

25 And I believe this was --- and I don't

1 QNow, you say you were crying and

2 crying on Mr. Flipping's shoulder, but

3 I believe, didn't you say in the last

4 deposition that you were dissatisfied

5 with the way that he handled your file?

6 ANot just him, all of them.

7 QYou were dissatisfied with ---

8 AAll of them.

9 Q--- all of the what?

10 A.I won the grievances. They

11 closed the case. Every time I won a

12 grievance, they closed the case.

13 QWho's they?

14 AHuman relations, the department.

15 QAnd again, I think you're

16 confusing the basis of the grievance in

17 the law versus what Title VII or the

18 Pennsylvania Human Relations Act

19 specifies.

20 A.That's what they said. You won

21 the grievance, we are going to close

22 your case. And they did. Every time I

23 won a grievance, they said, okay, we'll

24 close your case. That's it.

25 QSo in spite of the fact that you

1 really know which one was 13 and which

2 one was 14. Which one ---

3 A.I have one 13.

4 Q--- had the notice to defend on

5 the front?

6 AOh, this one, 14.

7 QOkay. Going back to Exhibit 14.

8 A.What page?

9 QWhen you were talking --- in

10 response to one of the Interrogatory

11 questions, you referenced the complaint

12 that was filed with the PHRC that was

13 dated February 18th of 2003. And I'm

14 just making sure this is what you

15 meant.

16 AIt was 2002. Or was that an

17 amended complaint?

18 QWell, take a look at this

19 complaint ---

20 A.The first one was in 2002.

21 Q--- that's an amended complaint.

22 It says amended complaint. Okay? And

23 if you look to the end, it says 2/18/03

24 on your verification.

25 A2/18/03? Okay. Is that the

<p>Page 138</p> <p>1 last page?</p> <p>2 Q What I'm asking ---- if you go</p> <p>3 back to the Interrogatory responses,</p> <p>4 and I know I put them back now, but if</p> <p>5 you look to Exhibit Six, ---:</p> <p>6 ATTORNEY NICHOLS:</p> <p>7 Exhibit Six. Okay.</p> <p>8 Which number?</p> <p>9 ATTORNEY HEATH:</p> <p>10 Number five.</p> <p>11 BY ATTORNEY HEATH:</p> <p>12 Q This is when I was asking about</p> <p>13 the fact that you were claiming you</p> <p>14 were more stringently micromanaged and</p> <p>15 scrutinized in your complaint. And</p> <p>16 what you refer to is your supplemental</p> <p>17 answer in number one in Interrogatory</p> <p>18 one, and then your amended complaint</p> <p>19 filed with the PHRC on February 18th,</p> <p>20 2003. And at the time, I didn't have</p> <p>21 it handy. So I want to make sure this</p> <p>22 is what you were referring to in that</p> <p>23 answer.</p> <p>24 A Yes.</p> <p>25 Q Yes?</p>	<p>Page 140</p> <p>1 Is that attached to ---?</p> <p>2 We are looking at Exhibit 14;</p> <p>3 right?</p> <p>4 ATTORNEY HEATH:</p> <p>5 Right.</p> <p>6 ATTORNEY NICHOLS:</p> <p>7 You have marked it.</p> <p>8 A Where's page three?</p> <p>9 ATTORNEY NICHOLS:</p> <p>10 And the amended complaint</p> <p>11 is attached you're saying ---?</p> <p>12 Oh, I see. Okay.</p> <p>13 ATTORNEY HEATH:</p> <p>14 Fourteenth page in is the</p> <p>15 amended complaint.</p> <p>16 ATTORNEY NICHOLS:</p> <p>17 Oh, okay. All right.</p> <p>18 You're talking about what we</p> <p>19 filed with the PHRC, the</p> <p>20 administrative complaint?</p> <p>21 ATTORNEY HEATH:</p> <p>22 The amended complaint is</p> <p>23 page 14 of that exhibit, it</p> <p>24 starts. There's no page number,</p> <p>25 but it's the 14th page in.</p>
<p>Page 139</p> <p>1 A Uh-huh (yes). Yes.</p> <p>2 Q And I'm sorry. Looking at this</p> <p>3 complaint, this PHRC complaint ---.</p> <p>4 A What page?</p> <p>5 Q We've been talking about</p> <p>6 tardiness, as well. And on page three,</p> <p>7 most of the people I had already</p> <p>8 mentioned to you. But then there are a</p> <p>9 couple of ---.</p> <p>10 A Are we on Exhibit Six, page</p> <p>11 three?</p> <p>12 Q No. We're on Exhibit 14, page</p> <p>13 three, PHRC complaint.</p> <p>14 A Okay.</p> <p>15 Q And we already talked about some</p> <p>16 of these people.</p> <p>17 A Page three?</p> <p>18 Q Look at 14.</p> <p>19 A Page three?</p> <p>20 Q Of the complaint --- or amended</p> <p>21 complaint. I'm sorry.</p> <p>22 A But you're talking about page</p> <p>23 three?</p> <p>24 Q Of the amended complaint.</p> <p>25 ATTORNEY NICHOLS:</p>	<p>Page 14</p> <p>1 ATTORNEY NICHOLS:</p> <p>2 Okay.</p> <p>3 ATTORNEY HEATH:</p> <p>4 It says amended</p> <p>5 complaint.</p> <p>6 ATTORNEY NICHOLS:</p> <p>7 Yes, I see it. Okay.</p> <p>8 All right. What was filed with</p> <p>9 PHRC?</p> <p>10 ATTORNEY HEATH:</p> <p>11 Correct.</p> <p>12 ATTORNEY NICHOLS:</p> <p>13 Okay.</p> <p>14 ATTORNEY HEATH:</p> <p>15 Turn to page three of the</p> <p>16 amended complaint.</p> <p>17 ATTORNEY NICHOLS:</p> <p>18 All right.</p> <p>19 BY ATTORNEY HEATH:</p> <p>20 Q And if you look under count two,</p> <p>21 you are setting forth your allegations</p> <p>22 as to why you believe that you were</p> <p>23 treated differently based on your</p> <p>24 ancestry. Under count two. And then</p> <p>25 in paragraph 14, you were talking about</p>

<p>Page 142</p> <p>1 other teachers that were not treated in  2 a similar fashion, and for example,  3 were not disciplined, at least as far  4 as you know, concerning their being  5 tardy. You're talking also about  6 disciplining students, and you said  7 here --- I'm sorry. Relative to the  8 tardiness, we talked about Mr. Melnik  9 already. There's a --- Froelick?  10 All-huh (yes).  11 Q And what was the circumstance  12 there?  13 A That I probably was late. Mr.  14 Morfenski --- and there were several  15 others on the list in the chronology of  16 events. I was more detailed when I was  17 in the hallway looking at all these  18 different teachers. But there were a  19 lot more that were consistently late.  20 These are only a few. He mentioned  21 only a few.  22 Q But we already established that  23 you have no independent knowledge as to  24 whether or not they were disciplined,  25 correct?</p>	<p>Page 144</p> <p>1 All'm sure that she called.  2 Because remember, all the white people,  3 they call.  4 Q What about Morfenski?  5 A Morfenski.  6 Q Okay. It says Morfenski, but  7 it's Morfenski?  8 A Morfenski.  9 Q With an N?  10 A Morfenski. There's an N here.  11 Remember, somebody else typed this. I  12 didn't.  13 Q Okay. And what was the story  14 there?  15 All'm talking about teachers that  16 arrived late the same day I did. I saw  17 them personally. I saw them coming in  18 after I did. This particular instance,  19 in addition to all the other ones that  20 I recall before, but I'm sure that they  21 called because they were delayed. I'm  22 tardy. They were delayed.  23 Q Okay. Then you talk about ---  24 relative to disciplining students, you  25 reference a non-Hispanic substitute</p>
<p>Page 143</p> <p>1 A Of course they were going to say  2 they were, but we would like to see the  3 documentation. Can we subpoena ---  4 they are subpoenaing my taxes. Can we  5 subpoena their documents?  6 Q I'm just asking if you have any  7 knowledge, as you sit here today, as to  8 whether or not they were ever  9 reprimanded.  10 All asked them and they said no.  11 Q And that includes --- is it Mr.  12 Froelick or ---?  13 A Mrs. Froelick.  14 Q Mrs. Froelick. Does that  15 include her?  16 A Yeah. She came late the very  17 last day. I saw her and she said, I  18 just got here. She said, I didn't  19 realize how late it was. It was  20 already after an hour that we'd been  21 there when she came in, and I happened  22 to be walking in the hallway when she  23 was coming in.  24 Q And you don't know if she had  25 called ahead or if she was disciplined?</p>	<p>Page 145</p> <p>1 teacher, Ms. Lynn.  2 A Right.  3 Q And you say, the Respondent has  4 not criticized non-Hispanic teacher Ms.  5 Lynn for disciplining students while  6 she acted as my substitute. What is  7 the basis of that statement?  8 A Well, I have the discipline  9 slips, and she did it with the same  10 students that I did. And she was not  11 --- nobody wrote a letter saying that  12 she was picking on them and that she  13 was lying. They actually disciplined  14 the students. And they were the same  15 students. But Mr. Higgins told me, oh,  16 you're picking on them. You favor some  17 more than the others. You're lying.  18 No. They disciplined the students.  19 And also, her lesson plans, did  20 you see her lesson plans? And you see  21 mine? Mine are typed, very  22 professional, because I always wrote my  23 agenda, my objectives. I struggled to  24 do my best on my job because they were  25 paying me. But not just for that.</p>

1 Because that's my nature. I do things  
2 the best way I can. But hers, you  
3 should see her lesson plans. Two  
4 sentences about what she was going to  
5 do.

6 Q When was she your substitute  
7 teacher?

8 A When I was suspended because I  
9 took my medical leave. They suspended  
10 me for two months.

11 Q Are you talking about 2002?

12 A When they sent me for a  
13 psychological evaluation to see if I  
14 was fit to teach. She was. I wasn't.  
15 But she was. All of her classes were  
16 horrible, but she was.

17 Q That was in 2002?

18 A In 2002. The same students she  
19 had problems with, I did. But the  
20 administration supported her, backed  
21 her up. They said she was an excellent  
22 teacher. She was a science teacher.

23 She didn't even speak Spanish, but she  
24 was better than I was.

25 Q Did you ever observe her

1 teaching her class?

2 A Of course.

3 Q When was that?

4 A When I came back, I actually had  
5 to walk with her. It was the very  
6 first instance, so I just sat there.

7 Even Mr. Deshner said I was talking  
8 about my husband and I was talking  
9 about farting, and I was talking ---  
10 and I said, I was not teaching at all.

11 I was just sitting there working on my  
12 lesson plans.

13 And there was a student that had  
14 a farting machine, and I said, well,  
15 that's a natural physiological need, so  
16 just put it away. And actually, I took  
17 it away from the student. I still have

18 it. But Mrs. Lynn was reviewing a  
19 worksheet. The students, they were all  
20 talking. I was just working on my  
21 lesson plan. But then things changed.

22 I was teaching. And I said, no, I  
23 wasn't. I didn't teach until fifth  
24 period, and she just sat in the back.

25 Q So how many days did you teach

1 with Ms. Lynn when you came back ---?

2 A It was the very first day for  
3 --- I didn't teach at all. The very  
4 first period, she taught. I didn't  
5 teach until fifth period.

6 Q We're talking one day?

7 A Just the very first day. And

8 the fifth period, I taught, and she was  
9 sitting in the back. And as soon as we  
10 walked in, that's when Mr. Deshner said

11 that he wanted to talk to her. And I

12 told her, Mrs. Lynn, Mr. Deshner wants  
13 to see you in the office. He wants to  
14 talk to you. From that moment on, she

15 never walked away. But in the letter,  
16 she says that she left because she

17 couldn't stand what I was talking  
18 about. I said, what is she talking

19 about? I never taught at all until  
20 that moment that she walked away, and

21 then I took over.

22 Q It wasn't a matter of teaching.

23 Wasn't she talking about what you were

24 saying to the students in the class?

25 A Oh, no, no. But she was

1 teaching. I wasn't. I was working on

2 my lesson plans. I just told the girl

3 to put that thing away or I was going

4 to take it away. I said, why are you

5 making such a big thing about somebody  
6 farting? It's a natural physiological

7 need. And then I realized that she had

8 that machine, and I said, just put it  
9 away. She was just fooling around,

10 this girl, with that farting machine.

11 Q Okay. Back to my original

12 question, which was, did you ever

13 observe her teaching? That was the

14 only day, is that right?

15 A Four classes, actually.

16 Q Okay. And that was the only

17 time?

18 A Uh-huh (yes).

19 Q Okay. If you look to page five

20 of this PHRC amended complaint,

21 paragraph 24, ---

22 A Okay.

23 Q --- you indicate that the

24 administrators were harassing you and

25 that they did not discipline teachers



1 Nina Girgenelli ---  
 2 A.Girgenelli (corrects  
 3 pronunciation). I did not write this,  
 4 remember?  
 5 Q--- and Luanne --- and I don't  
 6 know what their names are, so I'm  
 7 asking you. Masychak ---.  
 8 A.Masychak (corrects  
 9 pronunciation).

10 Q.For calling homes of the  
 11 students. What are you talking about  
 12 there?

13 A.Well, I was there when they had  
 14 said that they had called the students,  
 15 especially Luanne. But of course, she  
 16 denies it now. I was there. We were  
 17 eating lunch when she said, and when  
 18 she was talking to everybody, that she  
 19 had just told a student to settle down  
 20 or she was going to call the mother.  
 21 And she said, the student didn't  
 22 believe me.  
 23 And she said --- and actually,  
 24 when I grabbed the phone and I called  
 25 the mother, then she believed me that I

1 was going to do it, because she did.  
 2 She said, I called the mother. She  
 3 said she did. I was there. She did  
 4 it. Nina Girgenelli, she told me that  
 5 she always calls home in the class  
 6 because she deals with these suspicious  
 7 students. But she said, if you ask me,  
 8 I will deny it because of job security.  
 9 You have to understand. They're  
 10 not going to back me up. They're not  
 11 going to be truthful. It's their job  
 12 and they don't want to be reprimanded  
 13 and say you're not allowed to call  
 14 students. But with me, the mother  
 15 happened to be --- but they wanted me  
 16 to be consistent. I told the student,  
 17 if you continue --- I'd already given  
 18 detention. I said, if you continue, I  
 19 said, the condition, I'll let you just  
 20 sit there. Otherwise, I'm going to  
 21 have to call the mother.  
 22 It was just five minutes before  
 23 the end of the school --- the class  
 24 period and I called the mother. They  
 25 wanted me to be consistent. But they

1 already nailed me because this other  
 2 girl was sleeping, Stephanie Moreck,  
 3 the one that attacked me. So darned if  
 4 I did, darned if I didn't.  
 5 Q.And what you're talking about  
 6 with the phone call is when you  
 7 called ---?  
 8 A.Yeah. And I never gave anybody  
 9 their grades. Never. I said he did  
 10 not have a grade.  
 11 Q.All right. We're going to get  
 12 to that. We're going to take a break  
 13 and we're going to get to that after  
 14 lunch because confidentiality is a  
 15 separate issue.  
 16 A.I know. Yeah. It didn't  
 17 matter. Darned if I did, darned if I  
 18 didn't. They were going to nail me.  
 19 They were going to get rid of me. It  
 20 didn't matter what.  
 21 Q.Okay.  
 22 A.That was their only objective.  
 23 Not to help me to improve.  
 24 ATTORNEY NICHOLS:  
 25 We'll come back at 1:30.

1 ATTORNEY HEATH:  
 2 Right. Okay.  
 3 LUNCH BREAK TAKEN  
 4 BY ATTORNEY HEATH:  
 5 Q.Okay. Where we had left off, we  
 6 were talking about your amended  
 7 complaint dated February 18th, 2003  
 8 that was submitted to the PHRC. And we  
 9 had stopped with talking a little bit  
 10 about confidentiality, student  
 11 confidentiality. What is your  
 12 understanding or was your understanding  
 13 of the School District's policy  
 14 concerning student confidentiality?  
 15 A.You never give the students  
 16 grades in front of anybody. Nobody's  
 17 allowed to know other kids' grades.  
 18 Q.What about discipline record?  
 19 A.Discipline record, I would  
 20 imagine it's the same, but I ---  
 21 Q.But you wouldn't be discussing  
 22 that in front of other students?  
 23 A.In front of other students.  
 24 Q.And with regard to the  
 25 particular classroom situation that we

1 I were talking a little bit about before  
 2 lunch, you said that it was about five  
 3 minutes before the end of class you  
 4 called Robin Stockton concerning her  
 5 son who was sleeping in the class; is  
 6 that right?  
 7 A And everybody could see him  
 8 sleeping.  
 9 Q And was it something that you  
 10 discussed in front of the classroom?  
 11 A I didn't have to discuss. They  
 12 saw him. I woke him up several times,  
 13 and I had already told him, I'm going  
 14 to let you go back and sit down. If I  
 15 catch you sleeping, I'll call your  
 16 mother.  
 17 Q And where were you sitting at  
 18 the time, or where were you?  
 19 A I was usually standing, walking  
 20 around.  
 21 Q At the time you called Robin  
 22 Stockton, where were you in the  
 23 classroom?  
 24 A Probably up by the phone when I  
 25 decided to go ahead and call her.

1 Q Is there a phone mounted on the  
 2 wall or your desk or ---?  
 3 A Uh-huh (yes). It is just right  
 4 on the wall by the door.  
 5 Q And at that time, did you talk  
 6 about this particular student's grades  
 7 with the mother?  
 8 A No. I just told him --- this is  
 9 what I said. And there is a memo that  
 10 I sent to Mr. Higgins telling him what  
 11 had happened. And I told him I wanted  
 12 to schedule an appointment with her, a  
 13 conference, because I had already  
 14 warned her son to wake up several  
 15 times. And I had warned him that I was  
 16 going to go ahead and call his mother.  
 17 That's why I was calling her, because I  
 18 was supposed to be consistent.  
 19 And I said, last grading period,  
 20 he didn't have a grade. This is what I  
 21 said. Nonetheless, I would like to go  
 22 over all this information with you.  
 23 And it is in my memo. And therefore,  
 24 when the student said --- when I was  
 25 telling her that --- and I said, right

1 now, we are reviewing for a test for  
 2 tomorrow and he's refusing to wake up  
 3 and follow along. That's when he  
 4 pulled out his sheet, his worksheet,  
 5 claiming that it was completed.  
 6 And I said, I'm not questioning  
 7 whether he completed it or not. What  
 8 I'm questioning, I said, he's not  
 9 reviewing and correcting the mistakes  
 10 so he can be prepared and go over his  
 11 mistakes, grammatical mistakes,  
 12 grammatical spelling errors, so he  
 13 could be prepared, and the  
 14 conjugations, and be ready for the  
 15 quiz. That's what I was questioning,  
 16 not whether he did it or not.  
 17 When he pulled out his sheet,  
 18 that's when everybody said, oh, but he  
 19 had already done it, and the whole  
 20 entire class screamed. And what the  
 21 mother said, are you calling me in  
 22 front of the kids. And I said, he's  
 23 been sleeping in front of the kids and  
 24 I've been waking him up for the whole  
 25 entire period. He woke up, I turn

1 around, he fell asleep. He woke up,  
 2 turn around, he went back to sleep.  
 3 Until I told him, I'm going to have to  
 4 call your mother. And I said,  
 5 everybody can see that he's sleeping.  
 6 So that is when she said, I don't like  
 7 the way you handled this. I'm going to  
 8 contact the administrators. Fine.  
 9 Q Prior to this particular  
 10 instance, had you been talked to at all  
 11 about student confidentiality issues in  
 12 the past?  
 13 A The administrator did, which I  
 14 never did provide any confidential  
 15 --- I think I was the only teacher that  
 16 --- one time, I was criticized by  
 17 Deshner that I refused to give the  
 18 students their grade. No, I never did.  
 19 I did it on a confidential basis. Each  
 20 student, if they asked me, I'd walk  
 21 around, I wrote in a little piece of  
 22 paper, and I gave it to them, because  
 23 it was very important that I will keep  
 24 all this information on a confidential  
 25 basis.

1 Some other teachers say it out  
2 loud. They say, you're failing.  
3 Because I heard them, especially when I  
4 was witnessing other teachers and I'd  
5 have to go to several other classes.  
6 They'd say, hey, you, you're failing.  
7 They did. I never did because I know  
8 it was confidential. So I wrote it in  
9 a little piece of paper, and I'd give  
10 it to them, and any other information,  
11 of course. I never called any other  
12 parent before, prior to that.  
13 Q And you never opened any grade  
14 books and showed the class other  
15 students' grades?  
16 A Of course not. My grade book  
17 was my grade book.  
18 Q Now, if you will recall from the  
19 last arbitration, there was an issue  
20 about your copying Mr. Flipping on  
21 correspondence that related to  
22 students' discipline and identified the  
23 students by name; do you remember that  
24 issue?  
25 A Yes. Uh-huh (yes).

1 Q And it is correct that Mr.  
2 Flipping was copied on some of that  
3 information; correct?  
4 A It was only one page that I  
5 recall that Mr. Deshner brought up.  
6 And I was explaining to him --- I can't  
7 recall if it was when I was talking to  
8 Mrs. McDaniels about this particular  
9 student. And I cannot recall the issue  
10 that we were discussing, that he  
11 happened to be --- that I told him the  
12 kind of students ---  
13 Oh, I know. If I recall very  
14 well, these students were screaming,  
15 yelling in front of my class, you're  
16 going to be fired. Because of you, I  
17 already went to the office because Mr.  
18 Higgins is asking us, how'd you act,  
19 what'd you say, what'd you do in class?  
20 And because of you, I had to go to the  
21 office. And you are going to get  
22 fired. In front of the whole entire  
23 class.  
24 And I sent him a memo saying,  
25 this is what the students are saying.

1 And this other student, Megan --- I  
2 can't recall her name right now. One  
3 is Thomas. The other one is Megan. I  
4 have the memo, if you have a copy of  
5 that. And I said, this particular  
6 student, that I'm having a great deal  
7 of difficulty with him academically. I  
8 already called his mother, he was a D  
9 student, that I was having difficulty  
10 keeping him on task. The other girl, I  
11 didn't have that much problem. But  
12 still, at the beginning, she was a very  
13 nice student.  
14 And after Mr. Higgins told her  
15 to ask them how I act --- because she  
16 said the same thing. Yeah, we were  
17 called to the office because of you.  
18 If you keep sending students to the  
19 office, you are not going to be  
20 teaching here for too much longer.  
21 That's what Mr. Higgins said in front  
22 of the whole entire class.  
23 So I copied Mr. Flipping with  
24 all the comments and telling him, this  
25 is the kind of student, and they're

1 asking him about my professional  
2 performance when this is a D student  
3 that is not even paying attention, and  
4 I have so much difficulty keeping him  
5 on task and turning in his homework.  
6 I explained to him the situation  
7 and the type students, that they were  
8 being questioned about me, how I acted,  
9 what I said, what did I do. And there  
10 were two incidents which also  
11 aggravated my lawyer. Cassandra Prenak  
12 (phonetic) was asking Higgins about me,  
13 how I act, what did I say in class.  
14 Well, he observed me. He gave me S.  
15 Q And you didn't feel that that  
16 type of exchange was a violation of the  
17 student confidentiality policy?  
18 A Do you think that it was a  
19 violation of the teacher's  
20 confidentiality?  
21 Q I'm asking if you believe that  
22 was in violation of the student's  
23 records privacy.  
24 A Telling the students that I was  
25 going to be fired and telling the

<p>Page 162</p> <p>1 parents ---?</p> <p>2 Q My question is, didn't you</p> <p>3 believe that that kind of exchange, in</p> <p>4 identifying a student by name ---?</p> <p>5 A Not to human relations, no.</p> <p>6 Q And who told you that, or is it</p> <p>7 just your own feeling?</p> <p>8 A It's not my own feeling. I did</p> <p>9 provide him with all the documentation</p> <p>10 that was necessary, and my lawyers,</p> <p>11 because I have filed a complaint. And</p> <p>12 legally, I was allowed --- if they</p> <p>13 weren't allowed, they did, too. They</p> <p>14 sent all the documentation, including</p> <p>15 all my documentation, my medical files.</p> <p>16 All this is confidential information.</p> <p>17 And they sent it to human relations, as</p> <p>18 well, even documentation that they were</p> <p>19 not allowed to submit. Remember when</p> <p>20 the arbitrator said what's good for the</p> <p>21 goose ---?</p> <p>22 Q Again, you're confusing the law</p> <p>23 that is the basis of this action for</p> <p>24 what the arbitrator said, which was to</p> <p>25 purge your file so it was not to be</p> <p>Page 163</p> <p>1 used for further disciplinary action</p> <p>2 against you on that basis. That is a</p> <p>3 separate issue, completely separate.</p> <p>4 Let me show you what's already been</p> <p>5 marked as, I believe, Exhibit 15. Ms.</p> <p>6 de Leon, have you ever seen this</p> <p>7 document called the Pennsylvania Code</p> <p>8 of Professional Practice and Conduct</p> <p>9 for Educators?</p> <p>10 A No. I never seen it until just</p> <p>11 now. Have they seen it? Have they</p> <p>12 seen the Professional --- have you seen</p> <p>13 this document? Why don't you give him</p> <p>14 a copy?</p> <p>15 Q This is the law, and I'm going</p> <p>16 to direct your attention under</p> <p>17 practices, which is 22 Pa.C. 235.4,</p> <p>18 that's practices. And looking to page</p> <p>19 two, there are a variety of practices</p> <p>20 that are listed that are expected under</p> <p>21 the law of professional educators. And</p> <p>22 one of them, if you look to number (9),</p> <p>23 it states, professional educators shall</p> <p>24 keep in confidence information obtained</p> <p>25 in confidence in the course of their</p>	<p>Page 164</p> <p>1 professional service unless required to</p> <p>2 be disclosed by law or by clear and</p> <p>3 compelling professional necessity as</p> <p>4 determined by the professional</p> <p>5 educator. So my question to you is, do</p> <p>6 you believe that your copying Mr.</p> <p>7 Flipping on all of that student</p> <p>8 information falls within number nine?</p> <p>9 A Correct. Yes.</p> <p>10 ATTORNEY NICHOLS:</p> <p>11 Counsel, let me state for</p> <p>12 the record before you continue</p> <p>13 to put this question to my</p> <p>14 client like that, I have to</p> <p>15 remind you of the ruling by</p> <p>16 Arbitrator Arnis on this</p> <p>17 particular issue dealing with</p> <p>18 the release of student</p> <p>19 information to Mr. Flipping and</p> <p>20 other members of the PHRC. That</p> <p>21 did come before Mr. Arnis. Mr.</p> <p>22 Arnis specifically ruled on ---.</p> <p>23 ATTORNEY HEATH:</p> <p>24 Please do not lecture me</p> <p>25 about the arbitration.</p> <p>Page 16</p> <p>1 ATTORNEY NICHOLS:</p> <p>2 No, I'm saying --- but</p> <p>3 you asked her ---.</p> <p>4 ATTORNEY HEATH:</p> <p>5 I don't want to know</p> <p>6 about that. What I'm asking</p> <p>7 her ---.</p> <p>8 ATTORNEY NICHOLS:</p> <p>9 But it's not fair for</p> <p>10 you ---.</p> <p>11 ATTORNEY HEATH:</p> <p>12 Oh, dear God.</p> <p>13 ATTORNEY NICHOLS:</p> <p>14 It's not fair for</p> <p>15 you ---.</p> <p>16 CERTIFIED SECTION</p> <p>17 ATTORNEY HEATH:</p> <p>18 Certify this on the</p> <p>19 record. I'm going to the Judge.</p> <p>20 I cannot put up with this. I</p> <p>21 will not put up with this.</p> <p>22 ATTORNEY NICHOLS:</p> <p>23 But I welcome my</p> <p>24 opportunity to go to the Judge</p> <p>25 and listen because this is not</p>
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<p>1 fair. It's unfair for 2 you ---. 3 ATTORNEY HEATH: 4 This is ridiculous. 5 A ATTORNEY NICHOLS: 6 Let the record reflect 7 it's unfair for you to, one, 8 first of all, suggest that my 9 client violated the law in any 10 fashion ---. 11 ATTORNEY HEATH: 12 Put your objection on the 13 record and move on. This is a 14 deposition under the Federal 15 Rules. 16 ATTORNEY NICHOLS: 17 No. Wait a minute. You 18 asked her a question and she has 19 a right to --- we have a right 20 to respond. 21 ATTORNEY HEATH: 22 You do not testify. She 23 can testify. 24 ATTORNEY NICHOLS: 25 No, no. I have a right</p>	<p>1 I'll call him. Call him. 2 Want to call him on the phone? 3 ATTORNEY NICHOLS: 4 Yes. Please, please. 5 ATTORNEY HEATH: 6 All right. 7 ATTORNEY NICHOLS: 8 Arbitrator Arnis --- 9 ATTORNEY HEATH: 10 I don't care about that. 11 ATTORNEY NICHOLS: 12 --- ruled, invalidating 13 the charge which Mr. Dolecki 14 charged her with immorality. He 15 expunged it. He said it's 16 invalidated because she was 17 authorized to do what she did. 18 I have the opinion here. Now, 19 this here is saying she is 20 violating a section of code in 21 light of that. Arbitrator Arnis 22 ruled what she did with this 23 information is authorized. 24 You are now saying --- 25 and you not only implied, you</p>
Page 167	Page 169
<p>1 to speak to this legal issue. 2 ATTORNEY HEATH: 3 Oh, dear God. 4 ATTORNEY NICHOLS: 5 And the legal issue is 6 this. Arbitrator Arnis 7 ruled ---. 8 ATTORNEY HEATH: 9 Sir, as we're going to 10 the Judge ---. 11 ATTORNEY NICHOLS: 12 The arbitrator --- yes, 13 we're going to the Judge. 14 ATTORNEY HEATH: 15 Certify this. I will 16 move on. I will move on. 17 ATTORNEY NICHOLS: 18 We're going to the Judge 19 on this. 20 ATTORNEY HEATH: 21 This is ridiculous. 22 ATTORNEY NICHOLS: 23 No, no, no. No, it 24 isn't. You raised it. 25 ATTORNEY HEATH:</p>	<p>1 insisted that she violated these 2 Professional --- and the law in 3 professional code is just plain 4 wrong. And he said that when 5 Mr. Dolecki charged her with 6 immorality. This is what he 7 said. I have the record. He 8 said one, there was no time that 9 she sought to deceive. 10 ATTORNEY HEATH: 11 Again, ---. 12 ATTORNEY NICHOLS: 13 Obviously, that's in the 14 record. 15 ATTORNEY HEATH: 16 Okay. 17 ATTORNEY NICHOLS: 18 And I'm not going to have 19 you charge my client unfairly. 20 I welcome the opportunity. We 21 will talk to the Judge. 22 ATTORNEY HEATH: 23 I'm not talking to you 24 until you calm down. 25 ATTORNEY NICHOLS:</p>



<p>Page 170</p> <p>1 I will not allow you to 2 impugn her motive. 3 ATTORNEY HEATH: 4 Please let the record 5 reflect --- 6 ATTORNEY NICHOLS: 7 I've got the record 8 saying otherwise. The 9 arbitrator said otherwise. 10 ATTORNEY HEATH: 11 --- Mr. Nichols is 12 pounding his fist on the table. 13 He has stood up and he is 14 screaming. 15 ATTORNEY NICHOLS: 16 That's right. 17 ATTORNEY HEATH: 18 Let the record reflect 19 that. And at this point, I 20 don't think it would be 21 professionally in your best 22 interest to speak to the Judge 23 unless you calm down. 24 ATTORNEY NICHOLS: 25 Well, I'll tell you, I'm</p>	<p>Page 171</p> <p>1 confidentiality issue. I have a 2 right to. 3 ATTORNEY NICHOLS: 4 He ruled on that very 5 issue you couldn't before. 6 ATTORNEY HEATH: 7 What? 8 ATTORNEY NICHOLS: 9 He has ruled. He has 10 ruled. 11 ATTORNEY HEATH: 12 Ruled what? So what? 13 ATTORNEY NICHOLS: 14 And now you are saying 15 --- you asked her to ---. 16 ATTORNEY HEATH: 17 It's not res judicata. 18 ATTORNEY NICHOLS: 19 You were just saying 20 --- you impugned her character. 21 ATTORNEY HEATH: 22 Oh, yes, because she's 23 put her character at issue. 24 ATTORNEY NICHOLS: 25 No, she hasn't.</p>
<p>Page 171</p> <p>1 not going to allow you to say 2 that. 3 ATTORNEY HEATH: 4 This is absolutely 5 absurd. If you want to take a 6 deposition ---. 7 ATTORNEY NICHOLS: 8 I'm not going to allow 9 you to impugn her character that 10 way. You impugned her 11 character. 12 ATTORNEY HEATH: 13 If you want to end this 14 deposition, then withdraw your 15 complaint and let the 16 termination stand. If you want 17 to talk about arbitrations, the 18 award was that she was fairly 19 terminated for just cause. Let 20 it stand. 21 ATTORNEY NICHOLS: 22 No. I'm talking about 23 Arbitrator Arnis. 24 ATTORNEY HEATH: 25 I can ask about the</p>	<p>Page 172</p> <p>1 ATTORNEY HEATH: 2 Well, her credibility is 3 at issue. 4 ATTORNEY NICHOLS: 5 I'm not going to sit here 6 and allow you --- 7 ATTORNEY HEATH: 8 I can't believe this. 9 ATTORNEY NICHOLS: 10 --- to impugn her 11 character away when I know what 12 the arbitrator said. He said 13 that those charges of immorality 14 that were brought against 15 her --- 16 ATTORNEY HEATH: 17 I'm asking about 18 confidentiality. 19 ATTORNEY NICHOLS: 20 --- by the 21 administrator --- 22 ATTORNEY HEATH: 23 How is confidentiality 24 and immorality --- 25 ATTORNEY NICHOLS:</p>

1 --- were wrong.  
2 ATTORNEY HEATH:  
3 --- the same thing? How  
4 on God's earth is that true?  
5 He's not even listening to my  
6 question at this point. He's  
7 throwing a fit and a tantrum.  
8 ATTORNEY NICHOLS:  
9 Please ask Mr. Dolecki.  
10 He brought the charges.  
11 ATTORNEY HEATH:  
12 This is the most  
13 unprofessional, ridiculous  
14 action that I have heard ---  
15 ATTORNEY NICHOLS:  
16 The question, is it true?  
17 ATTORNEY HEATH:  
18 --- in 18 years of  
19 practice.  
20 ATTORNEY NICHOLS:  
21 The question, is it true,  
22 though? Is it true? Counsel,  
23 is it true?  
24 ATTORNEY HEATH:  
25 I'm asking if she

1 ATTORNEY HEATH:  
2 Have you read it?  
3 ATTORNEY NICHOLS:  
4 What are you talking  
5 about?  
6 ATTORNEY HEATH:  
7 Have you even read it?  
8 ATTORNEY NICHOLS:  
9 I read it.  
10 ATTORNEY HEATH:  
11 It's the law.  
12 ATTORNEY NICHOLS:  
13 I've seen it before.  
14 A.They should read it.  
15 ATTORNEY HEATH:  
16 It has nothing to do with  
17 immorality except for one part.  
18 It talks about professional  
19 educators shall exhibit ---  
20 ATTORNEY NICHOLS:  
21 Precisely.  
22 ATTORNEY HEATH:  
23 --- consistent and  
24 equitable treatment of  
25 students. ---

1 believes that her copying Mr.  
2 Flipping was ---.  
3 ATTORNEY NICHOLS:  
4 And the arbitrator  
5 answered that. He answered  
6 that. You might not want to  
7 read it, but I'm not going to  
8 sit here and allow you to impugn  
9 her character. You ask your  
10 client, did he charge her with  
11 immorality? You ask him.  
12 ATTORNEY HEATH:  
13 I'm not talking about  
14 immorality.  
15 ATTORNEY NICHOLS:  
16 Well, what are you  
17 talking about here? You're  
18 waving the Professional Code at  
19 her.  
20 ATTORNEY HEATH:  
21 Yes.  
22 ATTORNEY NICHOLS:  
23 A code about immorality.  
24 Please don't be disingenuous  
25 with us.

1 ATTORNEY NICHOLS:  
2 Look, you're not ---.  
3 ATTORNEY HEATH:  
4 --- fellow educators and  
5 parents.  
6 ATTORNEY NICHOLS:  
7 Counsel, Counsel ---.  
8 ATTORNEY HEATH:  
9 You haven't even read it.  
10 ATTORNEY NICHOLS:  
11 I have. You know why I  
12 read it?  
13 ATTORNEY HEATH:  
14 Oh, dear God.  
15 ATTORNEY NICHOLS:  
16 You know why I read it?  
17 Because the district has moved  
18 to decertify her. And they  
19 wrote me. She gave it to me,  
20 and I had to respond to it.  
21 ATTORNEY HEATH:  
22 But this has nothing to  
23 do with the question of ---.  
24 ATTORNEY NICHOLS:  
25 Oh, it is. This is what